





*John Quincy Adams.*

ADAMS 3141.10







**JOURNAL,  
ACTS AND PROCEEDINGS,**

OF

**THE CONVENTION,**

**ASSEMBLED AT PHILADELPHIA, MONDAY, MAY 14, AND DIS-  
SOLVED MONDAY, SEPTEMBER 17, 1787,**

WHICH FORMED

**THE CONSTITUTION**

OF THE

**UNITED STATES.**

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Published under the direction of the President of the United States, conformably to a  
Resolution of Congress of March 27, 1818.

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**BOSTON:**  
PRINTED AND PUBLISHED BY THOMAS B. WAIT.  
1819.

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Adams  
141. 10

RESOLUTION OF CONGRESS OF MARCH 27, 1818.

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Resolution directing the Publication and Distribution of the Journal and Proceedings of the Convention, which formed the present Constitution of the United States.

**R**ESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Journal of the Convention, which formed the present Constitution of the United States, now remaining in the office of the Secretary of State, and all Acts and Proceedings of that Convention, which are in the possession of the government of the United States, be published under the direction of the President of the United States, together with the Secret Journals of the Acts and Proceedings, and the Foreign Correspondence of the Congress of the United States, from the first meeting thereof, down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States, in the year seventeen hundred and eighty-three, except such parts of the said foreign correspondence as the President of the United States may deem it improper at this time to publish : and that one thousand copies thereof be printed, of which one copy shall be furnished to each member of the present Congress, and the residue shall remain subject to the future disposition of Congress.



## ADVERTISEMENT.

**T**HE first volume of the late edition of the laws of the United States, compiled under the direction of the late Secretary of State and Attorney General, contains a succinct historical review of the successive publick measures, which led to the present organization of the North American Union, from the assembling of the Congress of the colonies on the 5th of September, 1774, to the adoption of the constitution of the United States, and of the subsequent amendments to it, now in force.

The following resolution of the old Congress, adopted on the 21st of February, 1787, contains the authority by which the convention, which formed the constitution, was convoked :

“ Whereas there is provision in the articles of  
“ confederation and perpetual union, for making al-  
“ terations therein, by the assent of a Congress of the  
“ United States, and of the legislatures of the several  
“ states ; and whereas experience hath evinced, that  
“ there are defects in the present confederation, as a  
“ mean to remedy which, several of the states, and par-  
“ ticularly the state of New York, by express instruc-  
“ tions to their delegates in Congress, have suggested a  
“ convention for the purposes expressed in the follow-

“ ing resolution ; and such convention appearing to be  
“ the most probable mean of establishing in these  
“ states a firm national government—

“ Resolved, That in the opinion of Congress, it is  
“ expedient, that on the second Monday in May next,  
“ a convention of delegates, who shall have been ap-  
“ pointed by the several states, be held at Philadel-  
“ phia, for the sole and express purpose of revising the  
“ Articles of Confederation, and reporting to Congress  
“ and the several legislatures, such alterations and  
“ provisions therein, as shall, when agreed to in Con-  
“ gress, and confirmed by the states, render the federal  
“ constitution adequate to the exigencies of govern-  
“ ment, and the preservation of the union.”

The day appointed by this resolution for the meeting of the convention was the second Monday in May ; but the 25th of that month was the first day upon which a sufficient number of members appeared to constitute a representation of a majority of the states. They then elected George Washington their President, and proceeded to business.

On the 29th of May, Mr. Edmund Randolph presented to the convention fifteen resolutions, and Mr. C. Pinckney laid before them the draft of a federal government, which were referred to a committee of the whole ; which debated the resolutions, from day to day, until the 13th of June, when the committee of the whole reported to the convention a series of nineteen resolutions, founded upon those which had been proposed by Mr. Randolph.

On the 15th of June, Mr. Patterson submitted to the convention his resolutions, which were referred to a



committee of the whole, to whom were also recommit-  
ted the resolutions reported by them on the 13th.

On the 19th of June, the committee of the whole reported, that they did not agree to Mr. Patterson's propositions, but reported again the resolutions which had been reported before.

The convention never afterwards went into committee of the whole ; but from the 19th of June till the 23d of July were employed in debating the nineteen resolutions reported by the committee of the whole on the 13th of June ; some of which were occasionally referred to *grand* committees, of one member from each state, or to select committees of five members.

After passing upon the nineteen resolutions, it was on the 23d of July resolved, " That the proceedings  
" of the convention for the establishment of a national  
" government, except what respects the supreme  
" Executive, be referred to a committee for the pur-  
" pose of reporting a constitution conformably to the  
" proceedings aforesaid."

This committee, consisting of five members, and called in the journal " the committee of detail," was appointed on the 24th of July, and with the proceedings of the convention, the propositions submitted to the convention, by Mr. Charles Pinckney, on the 29th of May, and by Mr. Patterson on the 15th of June, were referred to them.

On the 26th of July, a resolution respecting the Executive and two others, offered for the consideration of the convention, were referred to the committee of detail ; and the convention adjourned till Monday, the 6th of August, when the committee reported a consti-

tution for the establishment of a national government. This draft formed the general text of debate, from that time till the 8th of September ; many additional resolutions, being in the course of the deliberations, proposed, and referred to and reported upon by the same committee of detail, or other committees of eleven, (a member from each state) or of five.

On the 8th of September a committee of five was appointed "to revise the style of and arrange the articles agreed to by the house."

On the 12th of September, this committee reported the constitution as revised and arranged, and the draft of a letter to Congress. It was ordered that printed copies of the reported constitution should be furnished to the members, and they were brought in the next day.

On the seventeenth day of September, 1787, the convention dissolved itself, by an adjournment without day, after transmitting the plan of constitution which they had prepared to Congress, to be laid before conventions, delegated by the people of the several states, for their assent and ratification.

The last act of the convention, was a resolution that their journal and other papers should be deposited with their president, to be retained by him subject to the order of the Congress, if ever formed under the constitution.

On the 19th of March, 1796, President Washington deposited in the Department of State three manuscript volumes ; one containing in 153 pages, the journal of the federal convention of 1787 ; one the journal of the proceedings of the same convention.

while in committee of the whole, in 28 pages ; and one, three pages of lists of yeas and nays, on various questions debated in the convention ; and after an interval of eight blank pages, five other pages of like yeas and nays. There were also two loose sheets, and one half sheet of similar yeas and nays ; a printed draft of the constitution as reported on the 6th of August, 1787, with erasures and written interlineations of amendments afterwards adopted ; two sheets containing copies of the series of resolutions offered to the convention by Mr. Edmund Randolph, in different stages of amendment, as reported by the committee of the whole ; and seven other papers of no importance in relation to the proceedings of the convention.

The volume containing the journal of the convention was in an incomplete state. The journal of Friday, September 14, and a commencement of that of Saturday, September 15, filled three fourths of the 153d page ; then terminated abruptly, and were, with the exception of five lines, crossed out with a pen. President Madison, to whom application for that purpose was made, has furnished, from his own minutes, the means of completing the journal, as now published.

The yeas and nays were not inserted in the journals, but were entered partly in a separate volume, and partly on loose sheets of paper. They were taken, not individually, but by states. Instead of publishing them, as they appear in the manuscript, they are now given immediately after each question upon which they were taken.

*Joseph* General ~~B.~~ Bloomfield, executor of David Brearley, one of the members of the convention, transmitted to the Department of State several additional papers, which are included in this publication.

The paper, purporting to be Col. Hamilton's plan of a constitution, is not noticed in the journals. It was not offered by him for discussion, but was read by him, as part of a speech, observing that he did not mean it as a proposition, but only to give a more correct view of his ideas.

The return of the members in the several states, appears to have been an estimate used for the purpose of apportioning the number of members to be admitted from each of the states to the house of representatives.

In order to follow with clear understanding, the course of proceedings of the convention, particular attention is required to the following papers, which, except the third, successively formed the general text of their debates.

1. May 29, 1787. The fifteen resolutions offered by Mr. Edmund Randolph to the convention, and by them referred to a committee of the whole.
2. June 13. Nineteen resolutions reported by this committee of the whole, on the 13th, and again on the 19th of June, to the convention.
3. July 26. Twenty-three resolutions, adopted and elaborated by the convention, in debate upon the above nineteen reported from the committee of the whole; and on the 23d and 26th of July, referred, together with the plan of Mr.



C. Pinckney, and the propositions of Mr. Patterson, to a committee of five, to report a draft of a constitution.

4. August 6. The draft of a plan of constitution reported by this committee to the convention ; and debated from that time till the 12th of September.
5. September 13. Plan of constitution, brought in by a committee of revision, appointed on the 8th of September, consisting of five members, to revise the style and arrange the articles, agreed to by the convention.

The second and fourth of these papers, are among those deposited by President Washington, at the Department of State.

The first, fourth and fifth, are among those transmitted by general Bloomfield.

The third is collected from the proceedings of the convention, as they are spread over the journal from June 19th to July 26th.

This paper, together with the plan of Mr. C. Pinckney, a copy of which has been furnished by him, and the propositions of Mr. Patterson, included among the papers forwarded by general Bloomfield, comprise the materials, upon which the first draft was made of the constitution, as reported by the committee of detail, on the 6th of August.

To the Journal, Acts and Proceedings of the Convention, are added in this publication, the subsequent proceedings of the Congress of the confederation, upon the constitution, reported as the result of their labours ; and the acts of ratification by the conventions of the

several states of the union, by virtue of which it became the supreme law of the land; and also the amendments to it, which have been since adopted and form a part of the constitution. It was thought that this supplement would be, if not essential, at least well adapted to carry into full effect the intentions of Congress in directing the publication; by presenting at one view the rise, progress, and present condition of the Constitution of the United States.

*Department of State, October, 1819.*



## LIST OF THE MEMBERS

OF THE FEDERAL CONVENTION WHICH FORMED THE CONSTITUTION OF THE UNITED STATES.

From		Attended.
New Hampshire.	1. John Langdon, <i>John Pickering,</i>	July 23, 1787.
	2. Nicholas Gilman, <i>Benjamin West.</i>	July 23,
Massachusetts.	<i>Francis Dana,</i> Elbridge Gerry,	May 29,
	3. Nathaniel Gorham,	May 28,
	4. Rufus King, Caleb Strong,	May 25, May 28,
Rhode Island.	[No appointment.]	
Connecticut.	5. Wm. Sam. Johnson,	June 2,
	6. Roger Sherman, Oliver Elsworth,	May 30, May 29,
New York.	Robert Yates,	May 25,
	7. Alexander Hamilton, John Lansing,	do. June 2,
New Jersey.	8. William Livingston,	June 5,
	9. David Brearley, William C. Houston,	May 25, do.
	10. William Patterson, <i>John Neilson.</i> <i>Abraham Clark.</i>	do.  
	11. Jonathan Dayton,	June 21,

From	Attended.
Pennsylvania.	12. Benjamin Franklin, May 28, 1787.
	13. Thomas Mifflin, do.
	14. Robert Morris, May 25,
	15. George Clymer, May 28,
	16. Thomas Fitzsimons, May 25,
	17. Jared Ingersoll, May 28,
	18. James Wilson, May 25,
	19. Gouverneur Morris, do.
Delaware.	20. George Read, do.
	21. Gunning Bedford, jr. May 28,
	22. John Dickinson, do.
	23. Richard Basset, May 25,
	24. Jacob Broom, do.
Maryland.	25. James M'Henry, May 29,
	26. Daniel of St. Thomas Jenifer, June 2,
	27. Daniel Carroll, July 9, John Francis Mercer, Aug. 6, Luther Martin, June 9,
Virginia.	28. George Washington, May 25, <i>Patrick Henry</i> , (declined.) Edmund Randolph, May 25,
	29. John Blair, do.
	30. James Madison, jr. do. George Mason, do. George Wythe, do. James M'Clurg, (in the room of P. Henry) do.
North Carolina.	<i>Richard Caswell</i> , (resigned.) Alexander Martin, May 25, William R. Davie, do.
	31. William Blount, (in the room of R. Caswell) June 20,

From	Attended.
North Carolina.	<i>Willie Jones</i> , (declined.) 1787.
	32. Richard D. Spaight, May 25,
	33. Hugh Williamson, (in the room of W. Jones) May 25,
South Carolina.	34. John Rutledge, do.
	35. Charles C. Pinckney, do.
	36. Charles Pinckney, do.
	37. Pierce Butler, do.
Georgia.	38. William Few, do.
	39. Abraham Baldwin, June 11,
	William Pierce, May 31,
	<i>George Walton</i> .
	William Houstoun, June 1,
	<i>Nathaniel Pendleton</i> .

Those with numbers before their names, signed the Con- stitution, . . . . .	39
Those in Italicks, never attended, . . . . .	10
Members who attended, but did not sign the Constitution, . . . . .	16



# CREDENTIALS

OF THE MEMBERS OF THE FEDERAL CONVENTION.

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## STATE OF NEW HAMPSHIRE.

In the year of our Lord, 1787.

An Act for appointing Deputies from this State to the Convention, proposed to be holden in the City of Philadelphia, in May, 1787, for the purpose of revising the Federal Constitution.

WHEREAS in the formation of the federal compact, which frames the bond of union of the American states, it was not possible in the infant state of our republick to devise a system which, in the course of time and experience, would not manifest imperfections, that it would be necessary to reform.

And whereas the limited powers, which by the articles of confederation, are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes which they were intended to produce. And whereas Congress hath, by repeated and most urgent representations, endeavoured to awaken this, and other states of the union, to a sense of the truly critical and alarming situation in which they may inevitably be involved, unless timely measures be taken

to enlarge the powers of Congress, that they may be thereby enabled to avert the dangers which threaten our existence as a free and independent people. And whereas this state hath been ever desirous to act upon the liberal system of the general good of the United States, without circumscribing its views to the narrow and selfish objects of partial convenience; and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate.

Be it therefore enacted, by the senate and house of representatives, in general court convened, that John Langdon, John Pickering, Nicholas Gilman, and Benjamin West, Esquires, be, and hereby are appointed commissioners; they, or any two of them, are hereby authorized and empowered, as deputies from this state, to meet at Philadelphia said convention, or any other place to which the convention may be adjourned, for the purposes aforesaid, there to confer with such deputies as are, or may be appointed by the other states for similar purposes, and with them to discuss and decide upon the most effectual means to remedy the defects of our federal union, and to procure, and secure the enlarged purposes which it was intended to effect, and to report such an act, to the United States in Congress, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.

State of New Hampshire.

In the House of Representatives, June 27, 1787.

The foregoing bill having been read a third time:  
Voted that it pass to be enacted.

Sent up for concurrence.

JOHN SPARHAWK, Speaker.



In Senate, the same day. This bill having been read a third time : Voted that the same be enacted.

JOHN SULLIVAN, President.

Copy examined,

Per JOSEPH PEARSON, Sec'y.

[L. S.]

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### COMMONWEALTH OF MASSACHUSETTS.

By His Excellency JAMES BOWDOIN, Esq. Governour of the  
[L.S.] Commonwealth of Massachusetts.

To the Honourable FRANCIS DANA, ELBRIDGE GERRY,  
NATHANIEL GORHAM, RUFUS KING, and CALEB  
STRONG, Esquires, greeting.

WHEREAS Congress did, on the 21st day of February, A. D. 1787, resolve, " That in the opinion of Congress it is expedient that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government and the preservation of the union." And whereas the general court have constituted and appointed you their delegates, to attend and represent this commonwealth in the said proposed convention, and have, by a resolution of theirs of the 10th of

March last, requested me to commission you for that purpose.

Now therefore know ye, that in pursuance of the resolutions aforesaid, I do, by these presents, commission you the said Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King and Caleb Strong, Esquires, or any three of you, to meet such delegates as may be appointed by the other or any of the other states in the union, to meet in convention at Philadelphia, at the time and for the purposes aforesaid.

In testimony whereof, I have caused the publick seal of the commonwealth aforesaid to be hereunto affixed.

Given at the council chamber, in Boston, the ninth day of April, A. D. 1787, and in the 11th year of the independence of the United States of America.

JAMES BOWDOIN.

By His Excellency's command.

JOHN AVERY, JUN. Sec'ry.

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#### STATE OF CONNECTICUT.

At a General Assembly of the State of Connecticut, in America, [L.S.] holden at Hartford, on the second Thursday of May, A. D. 1787.

An Act for appointing Delegates to meet in a Convention of the States, to be held at the City of Philadelphia, on the second Monday of May instant.

WHEREAS the Congress of the United States, by their act of the 21st of February, 1787, have recom-

mended, that on the second Monday of May inst. a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation.

Be it enacted by the governour, council and representatives, in general court assembled, and by the authority of the same,

That the honourable William Samuel Johnson, Roger Sherman and Oliver Elsworth, Esquires, be, and they hereby are appointed delegates to attend the said convention, and are requested to proceed to the city of Philadelphia, for that purpose, without delay ; and the said delegates, and in case of sickness or accident, such one or more of them as shall actually attend the said convention, is, and are hereby authorized and empowered to represent this state therein, and to confer with such delegates appointed by the several states, for the purposes mentioned in the said act of Congress, that may be present and duly empowered to act in said convention, and to discuss upon such alterations and provisions, agreeable to the general principles of republican government, as they shall think proper to render the federal constitution adequate to the exigencies of government and the preservation of the union ; and they are further directed, pursuant to the said act of Congress, to report such alterations and provisions as may be agreed to by a majority of the United States represented in convention, to the Congress of the United States, and to the general assembly of this state.

A true copy of record.

Examined,

By GEORGE WYLLYS, Sec'ry.

## STATE OF NEW YORK.

By His Excellency **GEORGE CLINTON**, Governour of the State  
[L.S.] of New York, General and Commander in Chief of all the  
Militia, and Admiral of the Navy of the same :

To all to whom these presents shall come.

It is by these presents certified, that John M<sup>c</sup>Kesson, who has subscribed the annexed copies of resolutions, is clerk of the assembly of this state.

In testimony whereof, I have caused the privy seal of the said state to be hereunto affixed, this ninth day of May, in the eleventh year of the independence of the said state.

GEO. CLINTON.

## STATE OF NEW YORK.

In Assembly, February 28, 1787.

A copy of a resolution of the honourable the senate, delivered by Mr. Williams, was read, and is in the words following, viz.

Resolved, If the honourable the assembly concur therein, that three delegates be appointed, on the part of this state, to meet such delegates as may be appointed, on the part of the other states, respectively, on the second Monday in May next, at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress, and to the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and con-



firmed by the several states, render the federal constitution adequate to the exigencies of government, and the preservation of the union; and that in case of such concurrence, the two houses of the legislature will, on Tuesday next, proceed to nominate and appoint the said delegates, in like manner as is directed by the constitution of this state, for nominating and appointing delegates to Congress.

Resolved, That this house do concur with the honourable the senate in the said resolution.

In Assembly, March 6, 1787.

Resolved, That the honourable Robert Yates, Esq. and Alexander Hamilton and John Lansing, jun. Esqrs. be, and they are hereby nominated by this house, delegates on the part of this state, to meet such delegates as may be appointed, on the part of the other states, respectively, on the second Monday in May next, at Philadelphia, pursuant to concurrent resolutions of both houses of the legislature, on the 28th ultimo.

Resolved, That this house will meet the honourable the senate, immediately, at such place as they shall appoint, to compare the lists of persons nominated by the senate and assembly, respectively, as delegates on the part of this state, to meet such delegates as may be appointed on the part of the other states, respectively, on the second Monday in May next, at Philadelphia, pursuant to concurrent resolutions of both houses of the legislature, on the 28th ultimo.

Ordered, That Mr. N. Smith deliver a copy of the last preceding resolution to the honourable the senate.

A copy of a resolution of the honourable the senate

was delivered by Mr. Vanderbilt, that the senate will immediately meet this house in the assembly chamber, to compare the lists of persons nominated by the senate and assembly, respectively, as delegates, pursuant to the resolutions before mentioned.

The honourable the senate accordingly attended in the assembly chamber, to compare the lists of persons nominated for delegates, as above mentioned.

The list of persons nominated by the honourable the senate, were the honourable Robert Yates, Esq. and John Lansing, jun. and Alexander Hamilton, Esqrs. and on comparing the lists of the persons nominated by the senate and assembly respectively, it appeared that the same persons were nominated in both lists; thereupon Resolved, that the honourable Robert Yates, John Lansing, jun. and Alexander Hamilton, Esqrs. be, and they are hereby declared duly nominated and appointed delegates, on the part of this state, to meet such delegates as may be appointed on the part of the other states respectively, on the second Monday in May next, at Philadelphia for the sole and express purpose of revising the articles of confederation, and reporting to Congress, and to the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the several states, render the federal constitution adequate to the exigencies of government, and the preservation of the union.

True extracts from the journals of the assembly.

JOHN M'KESSON, Clerk.



## THE STATE OF NEW JERSEY.

To the Hon. DAVID BREARLY, WILLIAM CHURCHILL  
HOUSTON, WILLIAM PATTERSON and JOHN NEILSON,  
Esqrs. Greeting.

THE council and assembly reposing especial trust and confidence in your integrity, prudence and ability, have, at a joint meeting, appointed you the said David Brearly, William Churchill Houston, William Patterson and John Neilson, Esqrs. or any three of you, commissioners, to meet such commissioners, as have been or may be appointed by the other states in the union, at the city of Philadelphia, in the commonwealth of Pennsylvania, on the second Monday in May next, for the purpose of taking into consideration the state of the union, as to trade and other important objects, and of devising such other provisions as shall appear to be necessary to render the constitution of the federal government adequate to the exigencies thereof.

In testimony whereof the great seal of the state is hereunto affixed. Witness, William Livingston, Esq. governour, captain-general and commander in chief in and over the state of New Jersey, and territories thereunto belonging, chancellor and ordinary in the same, at Trenton, the 23d day of November, in the year of our Lord 1786, and of our sovereignty and independence the eleventh.

WILLIAM LIVINGSTON.

By His Excellency's command,  
BOWES REED, Sec'ry.

## THE STATE OF NEW JERSEY.

To His Excellency WILLIAM LIVINGSTON, and  
[L.S.] the Honourable ABRAHAM CLARK, Esquires,  
Greeting.

THE council and assembly reposing especial trust and confidence in your integrity, prudence and ability, have, at a joint meeting, appointed you the said William Livingston and Abraham Clark, Esqrs. in conjunction with the honourable David Brearly, William Churchill Houston and William Patterson, Esqrs. or any three of you, commissioners, to meet such commissioners as have been appointed by the other states in the union, at the city of Philadelphia, in the commonwealth of Pennsylvania, on the second Monday of this present month, for the purpose of taking into consideration the state of the union, as to trade and other important objects, and of devising such other provisions as shall appear to be necessary, to render the constitution of the federal government adequate to the exigencies thereof.

In testimony whereof the great seal of the state is hereunto affixed. Witness, William Livingston, Esq. governour, captain-general and commander in chief in and over the state of New Jersey, and territories thereunto belonging, chancellor and ordinary in the same, at Burlington, the 18th day of May, in the year of our Lord 1787, and of our sovereignty and independence the eleventh.

WIL. LIVINGSTON.

By His Excellency's command,  
BOWES REED, Sec'ry.

## STATE OF NEW JERSEY.

To the Honourable JONATHAN DAYTON, Esq.

THE council and assembly, reposing especial trust and confidence in your integrity, prudence and ability, have, at a joint meeting, appointed you the said Jonathan Dayton, Esq. in conjunction with his excellency William Livingston, the honourable David Brearly, William Churchill Houston, William Patterson and Abraham Clark, Esqrs. or any three of you, commissioners, to meet such commissioners as have been appointed by the other states in the union, at the city of Philadelphia, in the commonwealth of Pennsylvania, for the purpose of taking into consideration the state of the union, as to trade and other important objects, and of devising such other provisions as shall appear to be necessary to render the constitution of the federal government adequate to the exigencies thereof.

In testimony whereof the great seal of the state is hereunto affixed. Witness, Robert Lettice Hooper, Esq. vice-president, captain-general and commander in chief in and over the state of New Jersey, and territories thereunto belonging, chancellor and ordinary in the same, at Burlington, the fifth day of June, in the year of our Lord 1787, and of our sovereignty and independence the eleventh.

ROBERT L. HOOPER.

By His Honour's command,  
BOWES REED, Sec'ry.

## COMMONWEALTH OF PENNSYLVANIA.

An Act appointing Deputies to the Convention intended to be held in the City of Philadelphia, for the purpose of revising the Federal Constitution.

SEC. 1. WHEREAS the general assembly of this commonwealth, taking into their serious consideration the representations heretofore made to the legislatures of the several states in the union, by the United States in Congress assembled, and also weighing the difficulties under which the confederated states now labour, are fully convinced of the necessity of revising the federal constitution, for the purpose of making such alterations and amendments as the exigencies of our publick affairs require. And whereas the legislature of the state of Virginia have already passed an act of that commonwealth, empowering certain commissioners to meet at the city of Philadelphia, in May next, a convention of commissioners or deputies from the different states; and the legislature of this state are fully sensible of the important advantages which may be derived to the United States, and every of them, from co-operating with the commonwealth of Virginia, and the other states of the confederation, in the said design.

SEC. 2. Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same, That Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson and Gouverneur Morris, Esqrs. are hereby appointed deputies from this state,



to meet in the convention of the deputies of the respective states of North America, to be held at the city of Philadelphia, on the 2d day of the month of May next ; and the said Thomas Mifflin, Robert Morris, George Clymer, Jared Ingersoll, Thomas Fitzsimons, James Wilson and Gouverneur Morris, Esqrs. or any four of them, are hereby constituted and appointed deputies from this state, with powers to meet such deputies as may be appointed and authorized by the other states, to assemble in the said convention, at the city aforesaid, and to join with them in devising, deliberating on and discussing all such alterations, and further provisions, as may be necessary to render the federal constitution fully adequate to the exigencies of the union, and in reporting such act or acts, for that purpose, to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.

SEC. 3. And be it further enacted by the authority aforesaid, That in case any of the said deputies hereby nominated, shall happen to die, or to resign his or their said appointment or appointments, the supreme executive council shall be, and hereby are empowered and required, to nominate and appoint other person or persons in lieu of him or them so deceased, or who has or have so resigned, which person or persons, from and after such nomination and appointment, shall be, and hereby are declared to be vested with the same powers respectively, as any of the deputies nominated and appointed by this act, is vested with by the same : Provided always, that the council are not hereby authorized, nor shall they make any such nomination or

appointment, except in vacation and during the recess of the general assembly of this state.

Signed by order of the House.

[L.S.]

THOMAS MIFFLIN, Speaker.

Enacted into a law at Philadelphia, on Saturday, December 30th, in the year of our Lord 1786.

PETER ZACHARY LLOYD,

Clerk of the General Assembly.

I Matthew Irwine, Esq. master of the rolls for the state of Pennsylvania, do certify the preceding writing to be a true copy (or exemplification) of a certain act of assembly lodged in my office.

In witness whereof, I have hereunto set my  
[L.S.] hand and seal of office, the 15th May, A. D.  
1787.

MATTHEW IRWINE, M. R.

A supplement to the act entitled "An act appointing deputies to the convention intended to be held in the city of Philadelphia, for the purpose of revising the federal constitution."

SEC. 1st. Whereas by the act to which this act is a supplement, certain persons were appointed as deputies from this state to sit in the said convention. And whereas it is the desire of the general assembly, that his excellency Benjamin Franklin, Esq. president of this state, should also sit in the said convention, as a deputy from this state; therefore,

SEC. 2d. Be it enacted, and it is hereby enacted by the representatives of the freemen of the common-



wealth of Pennsylvania, in general assembly met, and by the authority of the same, that his excellency Benjamin Franklin, Esq. be, and he is hereby appointed and authorized to sit in the said convention as a deputy from this state, in addition to the persons heretofore appointed; and that he be, and he hereby is invested with like powers and authorities as are invested in the said deputies or any of them.

Signed by order of the House,

THOMAS MIFFLIN, Speaker.

Enacted into a law at Philadelphia, on Wednesday the 28th day of March, in the year of our Lord 1787.

PETER ZACHARY LLOYD,

Clerk of the General Assembly.

I Matthew Irwine, Esq. master of the rolls for the state of Pennsylvania, do certify the above to be a true copy (or exemplification) of a supplement to a certain act of assembly, which supplement is lodged in my office.

In witness whereof, I have hereunto set my [L.S.] hand and seal of office, the 15th May, A.D. 1787.

MATTHEW IRWINE, M. R.

## DELAWARE.

His Excellency THOMAS COLLINS, Esq. President, Captain-general and Commander in Chief of the Delaware State: To all to whom [L.S.] these Presents shall come, Greeting: KNOW YE, that among the Laws of the said State, passed by the General Assembly of the same, on the 3d day of February, in the year of our Lord 1787, it is thus enrolled:

In the eleventh year of the independence of the Delaware State:

An Act appointing Deputies from this State to the Convention proposed to be held in the City of Philadelphia, for the purpose of revising the Federal Constitution.

WHEREAS the general assembly of this state are fully convinced of the necessity of revising the federal constitution, and adding thereto such further provisions, as may render the same more adequate to the exigencies of the union: And whereas the legislature of Virginia have already passed an act of that commonwealth, appointing and authorizing certain commissioners to meet at the city of Philadelphia, in May next, a convention of commissioners or deputies from the different states: And this state being willing and desirous of co-operating with the commonwealth of Virginia, and the other states in the confederation, in so useful a design.

Be it therefore enacted by the general assembly of Delaware, That George Read, Gunning Bedford, John Dickinson, Richard Basset and Jacob Broom, Esqrs. are hereby appointed deputies from this state to meet in the convention of the deputies of other states,

to be held at the city of Philadelphia, on the 2d day of May next: And the said George Read, Gunning Bedford, John Dickinson, Richard Basset and Jacob Broom, Esqrs. or any three of them, are hereby constituted and appointed deputies from this state, with powers to meet such deputies as may be appointed and authorized by the other states to assemble in the said convention at the city aforesaid, and to join with them in devising, deliberating on, and discussing such alterations and further provisions as may be necessary to render the federal constitution adequate to the exigencies of the union; and in reporting such act or acts for that purpose to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, may effectually provide for the same. So always and provided, that such alterations or further provisions, or any of them, do not extend to that part of the 5th article of the confederation of the said states, finally ratified on the first day of March, in the year 1781, which declares that, "In determining questions in the United States in Congress assembled, each state shall have one vote."

And be it enacted, That in case any of the said deputies hereby nominated, shall happen to die, or to resign his or their appointment, the president or commander in chief, with the advice of the privy council, in the recess of the general assembly, is hereby authorized to supply such vacancies.

Signed by order of the House of Assembly.

JOHN COOK, Speaker.

Signed by order of the Council.

GEO. CRAGGED, Speaker.

Passed at Dover, February 3, 1787.

All and singular which premises by the tenour of these presents, I have caused to be exemplified. In testimony whereof, I have hereunto subscribed my name, and caused the great seal of the said state to be affixed to these presents, at New Castle, the 2d day of April, in the year of our Lord 1787, and in the 11th year of the independence of the United States of America.

THOMAS COLLINS.

Attest.

JAMES BOOTH, Sec'ry.

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STATE OF MARYLAND.

An Act for the appointment of, and conferring powers in Deputies from this State to the Federal Convention.

BE it enacted by the general assembly of Maryland, That the honourable James M'Henry, Daniel of Saint Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin, Esqrs. be appointed and authorized on behalf of this state, to meet such deputies as may be appointed and authorized by any other of the United States, to assemble in convention at Philadelphia, for the purpose of revising the federal system, and to join with them in considering such alterations and further provisions as may be necessary to render the federal constitution adequate to the exigencies of the union; and in reporting such an act for that purpose, to the

United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same; and the said deputies, or such of them as shall attend the said convention, shall have full power to represent this state for the purposes aforesaid; and the said deputies are hereby directed to report the proceedings of the said convention, and any act agreed to therein, to the next session of the general assembly of this state.

By the House of Delegates, May 26, 1787.

Read and assented to.

By order,

WM. HARWOOD, Clerk.

True copy from the original.

WM. HARWOOD, Clerk H. D.

By the Senate, May 26, 1787.

Read and assented to.

By order,

J. DORSEY, Clerk.

True copy from the original.

J. DORSEY, Clerk Senate.

W. SMALLWOOD.



## COMMONWEALTH OF VIRGINIA.

General Assembly begun and held at the Publick Buildings in the City of Richmond, on Monday the 16th day of October, in the year of our Lord 1786.

An Act for appointing Deputies from this Commonwealth to a Convention proposed to be held in the City of Philadelphia, in May next, for the purpose of revising the Federal Constitution.

WHEREAS the commissioners who assembled at Annapolis, on the 14th day of September last, for the purpose of devising and reporting the means of enabling Congress to provide effectually for the commercial interests of the United States, have represented the necessity of extending the revision of the federal system to all its defects, and have recommended that deputies for that purpose be appointed by the several legislatures, to meet in convention, in the city of Philadelphia, on the 2d day of May next, a provision which was preferable to a discussion of the subject in Congress, where it might be too much interrupted by the ordinary business before them, and where it would besides be deprived of the valuable counsels of sundry individuals who are disqualified by the constitution or laws of particular states, or restrained by peculiar circumstances from a seat in that assembly: And whereas the general assembly of this commonwealth taking into view the actual situation of the confederacy, as well as reflecting on the alarming representations made, from time to time, by the United States in Congress, particularly in their act of the 15th day of February last,



can no longer doubt that the crisis is arrived at which the good people of America are to decide the solemn question, whether they will by wise and magnanimous efforts, reap the just fruits of that independence which they have so gloriously acquired, and of that union which they have cemented with so much of their common blood, or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valour it has been accomplished: And whereas the same noble and extended policy, and the same fraternal and affectionate sentiments which originally determined the citizens of this commonwealth to unite with their brethren of the other states in establishing a federal government, cannot but be felt with equal force now as motives to lay aside every inferior consideration, and to concur in such farther concessions and provisions as may be necessary to secure the great objects for which that government was instituted, and to render the United States as happy in peace as they have been glorious in war.

Be it therefore enacted by the general assembly of the commonwealth of Virginia, That seven commissioners be appointed by joint ballot of both houses of assembly, who, or any three of them, are hereby authorized as deputies from this commonwealth, to meet such deputies as may be appointed and authorized by other states, to assemble in convention at Philadelphia as above recommended, and to join with them in devising and discussing all such alterations and farther provisions as may be necessary to render the federal

constitution adequate to the exigencies of the union ; and in reporting such an act for that purpose to the United States in Congress, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.

And be it further enacted, That in case of the death of any of the said deputies, or of their declining their appointments, the executive are hereby authorized to supply such vacancies. And the governour is requested to transmit forthwith a copy of this act to the United States in Congress, and to the executives of each of the states in the union.

(Signed)

JOHN JONES, Speaker of the Senate.

JOSEPH PRENTIS, Speaker of the  
House of Delegates.

A true copy from the enrolment.

JOHN BECKLEY, Clerk H. D.

#### IN THE HOUSE OF DELEGATES.

Monday, the 4th of December, 1786.

THE house, according to the order of the day, proceeded, by joint ballot with the senate, to the appointment of seven deputies, from this commonwealth, to a convention proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution ; and the members having prepared tickets with the names of the persons to be appointed, and deposited the same in the ballot-boxes, Mr. Corbin, Mr. Matthews, Mr. David Stuart, Mr. George Nicholas, Mr. Richard Lee, Mr. Wills, Mr. Thomas

Smith, Mr. Goodall and Mr. Turberville, were nominated a committee to meet a committee from the senate, in the conference chamber, and jointly with them to examine the ballot-boxes, and report to the house on whom the majority of the votes should fall. The committee then withdrew, and after some time returned into the house, and reported that the committee had, according to order, met a committee from the senate, in the conference chamber, and jointly with them examined the ballot-boxes, and found a majority of votes in favour of George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, George Mason and George Wythe, Esqrs.

Extract from the journal.

JOHN BECKLEY,

Clerk House Delegates.

Attest.

JOHN BECKLEY, Clerk H. D.

#### IN THE HOUSE OF SENATORS.

Monday, the 4th of December, 1786.

THE senate, according to the order of the day, proceeded, by joint ballot with the house of delegates, to the appointment of seven deputies, from this commonwealth, to a convention proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution; and the members having prepared tickets, with the names of the persons to be appointed, and deposited the same in the ballot-boxes, Mr. Anderson, Mr. Nelson and Mr. Lee, were nominated a committee to meet a committee from the house

of delegates, in the conference chamber, and jointly with them to examine the ballot-boxes, and report to the house on whom the majority of votes should fall. The committee then withdrew, and after some time returned into the house and reported, that the committee had, according to order, met a committee from the house of delegates, in the conference chamber, and jointly with them examined the ballot-boxes, and found a majority of votes in favour of George Washington, Patrick Henry, Edmund Randolph, John Blair, James Madison, George Mason and George Wythe, Esqrs.

Extract from the journal.

JOHN BECKLEY, Clerk H. D.

Attest.

H. BROOK, Clerk S.

[L.S.]

VIRGINIA, TO WIT.

I do hereby certify and make known, to all whom it may concern, That John Beckley, Esq. is clerk of the house of delegates, for this commonwealth, and the proper officer for attesting the proceedings of the general assembly of the said commonwealth, and that full faith and credit ought to be given to all things attested by the said John Beckley, Esq. by virtue of his office aforesaid.

Given under my hand, as governour of the commonwealth of Virginia, and under the seal thereof, at Richmond, this fourth day of May, 1787.

EDM. RANDOLPH.



[L.s.]

VIRGINIA, TO WIT.

I do hereby certify, that Patrick Henry, Esq. one of the seven commissioners, appointed by joint ballot of both houses of assembly of the commonwealth of Virginia, authorized as a deputy therefrom, to meet such deputies as might be appointed and authorized by other states, to assemble in Philadelphia, and to join with them in devising and discussing all such alterations and further provisions, as might be necessary to render the federal constitution adequate to the exigencies of the union, and in reporting such an act for that purpose to the United States in Congress, as when agreed to by them, and duly confirmed by the several states, might effectually provide for the same, did decline his appointment aforesaid; and thereupon in pursuance of an act of the general assembly of the said commonwealth, entitled, "An act for appointing deputies from this commonwealth, to a convention proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution," I do hereby with the advice of the council of state, supply the said vacancy by nominating James M'Clurg, Esq. a deputy for the purposes aforesaid.

Given under my hand as governour of the said commonwealth, and under the seal thereof, this second day of May, in the year of our Lord 1787.

EDM. RANDOLPH.

## THE STATE OF NORTH CAROLINA.

To the Honourable ALEXANDER MARTIN, Esq. Greeting.

WHEREAS our general assembly, in their late session, holden at Fayette-Ville, by adjournment, in the month of January last, did by joint ballot of the senate and house of commons, elect Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight and Willie Jones, Esqrs. deputies to attend a convention of delegates from the several United States of America, proposed to be held at the city of Philadelphia, in May next, for the purpose of revising the federal constitution.

We do therefore, by these presents, nominate, commissionate and appoint you the said Alexander Martin, one of the deputies for and in our behalf, to meet with our other deputies at Philadelphia, on the first day of May next, and with them, or any two of them, to confer with such deputies as may have been, or shall be appointed by the other states, for the purpose aforesaid: To hold, exercise and enjoy the appointment aforesaid, with all powers, authorities and emoluments to the same belonging, or in any wise appertaining, you conforming, in every instance, to the act of our said assembly under which you are appointed.

Witness, Richard Caswell, Esq. our governour, captain-general and commander in chief, under his hand and our great seal, at Kinston, the 24th



day of February, in the eleventh year of our independence, A. D. 1787.

RICH. CASWELL.

By His Excellency's command. [L.S.]

WINSTON CASWELL, P. Sec'ry.

THE STATE OF NORTH CAROLINA.

To the Honourable WILLIAM RICHARDSON DAVIE, Esq.  
Greeting.

WHEREAS our general assembly in their late session, holden at Fayette-Ville, by adjournment, in the month of January last, did by joint ballot of the senate and house of commons, elect Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight and Willie Jones, Esqrs. deputies to attend a convention of delegates from the several United States of America, proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution.

We do therefore, by these presents, nominate, commissionate and appoint you the said William Richardson Davie, one of the deputies for and in our behalf, to meet with our other deputies at Philadelphia, on the first day of May next, and with them, or any two of them, to confer with such deputies as may have been, or shall be appointed by the other states, for the purpose aforesaid: To hold, exercise and enjoy the said appointment, with all powers, authorities and emoluments to the same belonging, or in any wise appertaining, you

conforming, in every instance, to the act of our said assembly under which you are appointed.

Witness, Richard Caswell, Esq. our governour, captain-general and commander in chief, under his hand and our great seal, at Kinston, the 24th day of February, in the eleventh year of our independence, Anno Dom. 1787.

RICH. CASWELL.

By His Excellency's command. [L.s.]

WINSTON CASWELL, P. Sec'ry.

THE STATE OF NORTH CAROLINA.

To the Honourable RICHARD DOBBS SPAIGHT, Esq.  
Greeting.

WHEREAS our general assembly, in their late session, holden at Fayette-Ville, by adjournment, in the month of January last, did elect you the said Richard Dobbs Spaight, with Richard Caswell, Alexander Martin, William Richardson Davie and Willie Jones, Esqrs. deputies to attend a convention of delegates from the several United States of America, proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution.

We do therefore, by these presents, nominate, commissionate and appoint you the said Richard Dobbs Spaight, one of the deputies for and in behalf of us, to meet with our other deputies at Philadelphia, on the first day of May next, and with them, or any two of them, to confer with such deputies as may have been,

or shall be appointed by the other states, for the purposes aforesaid: To hold, exercise and enjoy the said appointment, with all powers, authorities and emoluments to the same incident and belonging, or in any wise appertaining, you conforming, in every instance, to the act of our said assembly under which you are appointed.

Witness, Richard Caswell, Esq. our governour, captain-general and commander in chief, under his hand and our great seal, at Kinston, the 14th day of April, in the eleventh year of our independence, Anno Dom. 1787.

RICH. CASWELL.

By His Excellency's command.

[L.S.]

WINSTON CASWELL, P. Sec'ry.

#### STATE OF NORTH CAROLINA.

His Excellency RICHARD CASWELL, Esq. Governour, Captain-General and Commander in Chief in and over the State aforesaid.

To all to whom these presents shall come, Greeting.

WHEREAS by an act of the general assembly of the said state, passed the 6th day of January last, entitled, "An act for appointing deputies from this state to a convention proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution," among other things it is enacted, "That five commissioners be appointed by joint

“ ballot of both houses of assembly, who, or any three  
“ of them, are hereby authorized as deputies from this  
“ state, to meet at Philadelphia, on the 1st day of May  
“ next, then and there to meet and confer with such  
“ deputies as may be appointed by the other states  
“ for similar purposes, and with them to discuss and  
“ decide upon the most effectual means to remove the  
“ defects of our federal union, and to procure the en-  
“ larged purposes which it was intended to effect; and  
“ that they report such an act to the general assembly  
“ of this state, as, when agreed to by them, will effec-  
“ tually provide for the same :” And it is by the said  
act further enacted, “ That in case of the death or re-  
“ signation of any of the deputies, or of their declining  
“ their appointments, his excellency the governour,  
“ for the time being, is hereby authorized to supply  
“ such vacancies.” And whereas in consequence of  
the said act, Richard Caswell, Alexander Martin, Wil-  
liam Richardson Davie, Richard Dobbs Spaight and  
Willie Jones, Esqrs. were by joint ballot of the two  
houses of assembly, elected deputies for the purposes  
aforesaid : And whereas the said Richard Caswell hath  
resigned his said appointment as one of the deputies  
aforesaid :

Now know ye, That I have appointed, and by these  
presents do appoint the honourable William Blount,  
Esq. one of the deputies to represent this state in the  
convention aforesaid, in the room and stead of the  
aforesaid Richard Caswell, hereby giving and granting  
to the said William Blount, the same powers, privileges  
and emoluments which the said Richard Caswell would

have been vested with or entitled to, had he continued in the appointment aforesaid.

Given under my hand and the great seal of the state,  
at Kinston, the 23d day of April, Anno Dom.  
1787, and in the eleventh year of American independence.

RICH. CASWELL.

By His Excellency's command. [L.s.]  
WINSTON CASWELL, P. Sec'ry.

STATE OF NORTH CAROLINA.

His Excellency RICHARD CASWELL, Esq. Governour, Captain-General and Commander in Chief in and over the State aforesaid.

To all to whom these presents shall come, Greeting.

WHEREAS by an act of the general assembly of the said state, passed the 6th day of January last, entitled, "An act for appointing deputies from this state to a convention proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal constitution," among other things it is enacted, "That five commissioners be appointed by joint ballot of both houses of assembly, who, or any three of them, are hereby authorized as deputies from this state, to meet at Philadelphia, on the first day of May next, then and there to meet and confer with such deputies as may be appointed by the other states for similar purposes, and with them to discuss and decide upon the most effectual means to remove the



“defects of our federal union, and to procure the enlarged purposes which it was intended to effect, and that they report such an act to the general assembly of this state, as, when agreed to by them, will effectually provide for the same.” And it is by the said act further enacted, “That in case of the death or resignation of any of the deputies, or their declining their appointments, his excellency the governour, for the time being, is hereby authorized to supply such vacancies.”

And whereas in consequence of the said act, Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight, and Willie Jones, Esqrs. were by joint ballot of the two houses of assembly elected deputies for the purposes aforesaid. And whereas the said Willie Jones hath declined his appointment as one of the deputies aforesaid.

Now know ye, That I have appointed, and by these presents do appoint the honourable Hugh Williamson, Esq. one of the deputies to represent this state in the convention aforesaid, in the room and stead of the aforesaid Willie Jones, hereby giving and granting to the said Hugh Williamson the same powers, privileges and emoluments which the said Willie Jones would have been vested with and entitled to, had he acted under the appointment aforesaid.

Given under my hand and the great seal of the state,  
at Kinston, the 3d day of April, Anno Dom. 1787,  
and in the eleventh year of American independence.  
RICH. CASWELL.

By His Excellency's command.

[L.S.]

DALLAM CASWELL, Pro. Sec'y.

## STATE OF SOUTH CAROLINA.

By His Excellency THOMAS PINCKNEY, Esq. Governour and Commander in Chief, in and over the State aforesaid.

To the Honourable JOHN RUTLEDGE, Esq. Greeting.

By virtue of the power and authority in me vested by the legislature of this state, in their act passed the 8th day of March last, I do hereby commission you the said John Rutledge, as one of the deputies appointed from this state, to meet such deputies or commissioners as may be appointed and authorized by other of the United States to assemble in convention, at the city of Philadelphia, in the month of May next, or as soon thereafter as may be, and to join with such deputies or commissioners, (they being duly authorized and empowered) in devising and discussing all such alterations, clauses, articles and provisions, as may be thought necessary to render the federal constitution entirely adequate to the actual situation and future good government of the confederated states; and that you, together with the said deputies or commissioners, or a majority of them who shall be present, (provided the state be not represented by less than two) do join in reporting such an act to the United States in Congress assembled, as when approved and agreed to by them, and duly ratified and confirmed by the several states, will effectually provide for the exigencies of the union.

Given under my hand and the great seal of the state,  
in the city of Charleston, this 10th day of April,

in the year of our Lord 1787, and of the sovereignty and independence of the United States of America the eleventh.

THOMAS PINCKNEY.

By His Excellency's command. [L.s.]

PETER FRENEAU, Sec'ry.

STATE OF SOUTH CAROLINA.

By His Excellency THOMAS PINCKNEY, Esq. Governour and Commander in Chief, in and over the State aforesaid.

To the Honourable CHARLES PINCKNEY, Esq. Greeting.

By virtue of the power and authority in me vested by the legislature of this state, in their act passed the 8th day of March last, I do hereby commission you the said Charles Pinckney, as one of the deputies appointed from this state, to meet such deputies or commissioners as may be appointed and authorized by other of the United States, to assemble in convention at the city of Philadelphia, in the month of May next, or as soon thereafter as may be, and to join with such deputies or commissioners, (they being duly authorized and empowered) in devising and discussing all such alterations, clauses, articles and provisions, as may be thought necessary to render the federal constitution entirely adequate to the actual situation and future good government of the confederated states; and that you, together with the said deputies or commissioners, or a majority of them who shall be present, (provided the state be not represented by less than two) do join in reporting such an act to the United States in Congress assembled, as when approved and agreed to by them,

and duly ratified and confirmed by the several states, will effectually provide for the exigencies of the union.

Given under my hand and the great seal of the state, in the city of Charleston, this 10th day of April, in the year of our Lord 1787, and of the sovereignty and independence of the United States of America the eleventh.

THOMAS PINCKNEY.

By His Excellency's command. [L.S.]  
PETER FRENEAU, Sec'ry.

#### STATE OF SOUTH CAROLINA.

By His Excellency THOMAS PINCKNEY, Esq. Governour and Commander in Chief, in and over the State aforesaid.

To the Honourable CHARLES COTESWORTH PINCKNEY,  
Esq. Greeting.

By virtue of the power and authority in me vested by the legislature of this state, in their act passed the 8th day of March last, I do hereby commission you the said Charles Cotesworth Pinckney, as one of the deputies appointed from this state, to meet such deputies or commissioners as may be appointed and authorized by other of the United States, to assemble in convention at the city of Philadelphia, in the month of May next, or as soon thereafter as may be, and to join with such deputies or commissioners, (they being duly authorized and empowered) in devising and discussing all such alterations, clauses, articles and provisions, as may be thought necessary to render the federal constitution entirely adequate to the actual situation and future



good government of the confederated states; and that you, together with the said deputies or commissioners, or a majority of them who shall be present, (provided the state be not represented by less than two) do join in reporting such an act to the United States in Congress assembled, as when approved and agreed to by them, and duly ratified and confirmed by the several states, will effectually provide for the exigencies of the union.

Given under my hand and the great seal of the state, in the city of Charleston, this 10th day of April, in the year of our Lord 1787, and of the sovereignty and independence of the United States of America the eleventh.

THOMAS PINCKNEY.

By His Excellency's command. [L.S.]

PETER FRENEAU, Sec'ry.

STATE OF SOUTH CAROLINA.

By His Excellency THOMAS PINCKNEY, Esq. Gouverneur and Commander in Chief, in and over the State aforesaid.

To the Honourable PIERCE BUTLER, Esq. Greeting.

By virtue of the power and authority in me vested by the legislature of this state, in their act passed the 8th day of March last, I do hereby commission you the said Pierce Butler, as one of the deputies appointed from this state, to meet such deputies or commissioners as may be appointed or authorized by other of the United States, to assemble in convention at the city



of Philadelphia, in the month of May next, or as soon thereafter as may be, and to join with such deputies or commissioners, (they being duly authorized and empowered) in devising and discussing all such alterations, clauses, articles and provisions, as may be thought necessary to render the federal constitution entirely adequate to the actual situation and future good government of the confederated states; and that you, together with the said deputies or commissioners, or a majority of them who shall be present, (provided the state be not represented by less than two) do join in reporting such an act to the United States in Congress assembled, as when approved and agreed to by them, and duly ratified and confirmed by the several states, will effectually provide for the exigencies of the union.

Given under my hand and the great seal of the state,  
in the city of Charleston, this 10th day of April,  
in the year of our Lord 1787, and of the sovereignty  
and independence of the United States of America  
the eleventh.

THOMAS PINCKNEY.

By His Excellency's command, [L.S.]

PETER FRENEAU, Sec'ry.

## GEORGIA.

By the Honourable GEORGE MATHEWS, Esq. Captain-General, Governor and Commander in Chief, in and over the State aforesaid.

To all to whom these presents shall come, Greeting.

KNOW YE, That John Milton, Esq. who hath  
 GEO. MATHEWS.  
 [L.S.] certified the annexed copy of an ordinance, entitled "An ordinance for the appointment of deputies from this state, for the purpose of revising the federal constitution," is secretary of the said state, in whose office the archives of the same are deposited: Therefore, all due faith, credit and authority, are and ought to be had and given the same.

In testimony whereof, I have hereunto set my hand, and caused the great seal of the said state to be put and affixed, at Augusta, this 24th day of April, in the year of our Lord 1787, and of our sovereignty and independence the eleventh.

By His Honour's command.

J. MILTON.

An Ordinance for the appointment of Deputies from this State, for the purpose of revising the Federal Constitution.

BE it ordained, by the representatives of the freemen of the state of Georgia, in general assembly met, and by the authority of the same, that William Few, Abra-

ham Baldwin, William Pierce, George Walton, William Houstoun, and Nathaniel Pendleton, Esqrs. be, and they are hereby appointed commissioners, who, or any two or more of them, are hereby authorized as deputies from this state, to meet such deputies as may be appointed and authorized by other states, to assemble in convention at Philadelphia, and to join with them in devising and discussing all such alterations and farther provisions as may be necessary to render the federal constitution adequate to the exigencies of the union, and in reporting such an act for that purpose to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same. In case of the death of any of the said deputies, or of their declining their appointments, the executive are hereby authorized to supply such vacancies.

By order of the House.

(Signed)

WM. GIBBONS, Speaker.

Augusta, the 10th February, 1787.

GEORGIA.

Secretary's Office.

The above is a true copy from the original ordinance deposited in my office.

J. MILTON, Sec'ry.

Augusta, 24th April, 1787.

The State of Georgia, by the Grace of God, free, sovereign and independent.

To the Honourable WILLIAM FEW, Esq.

WHEREAS you the said William Few, are in and by an ordinance of the general assembly of our said state, nominated and appointed a deputy to represent the same in a convention of the United States, to be assembled at Philadelphia, for the purposes of devising and discussing all such alterations and farther provisions as may be necessary to render the federal constitution adequate to the exigencies of the union.

You are therefore hereby commissioned to proceed on the duties required of you in virtue of the said ordinance.

GEO. MATHEWS.  
[L.s.]

Witness our trusty and well beloved George Mathews, Esq. our captain-general, governor and commander in chief, under his hand and our great seal, at Augusta, this 17th day of April, in the year of our Lord 1787, and of our sovereignty and independence the eleventh.

By His Honour's command.

J. MILTON, Sec'ry.

The State of Georgia, by the Grace of God, free, sovereign and independent.

To the Honourable WILLIAM PIERCE, Esq.

WHEREAS you the said William Pierce, are in and by an ordinance of the general assembly of our said state, nominated and appointed a deputy to represent the same in a convention of the United States, to be assembled at Philadelphia, for the purposes of devising and discussing all such alterations and further provisions as may be necessary to render the federal constitution adequate to the exigencies of the union.

You are therefore hereby commissioned to proceed on the duties required of you in virtue of the said ordinance.

Witness our trusty and well beloved George Mathews, Esq. our captain-general, governour and commander in chief, under his hand and our great seal, at Augusta, this 17th day of April, in the year of our Lord 1787, and of our sovereignty and independence the eleventh.

By His Honour's command.

J. MILTON, Sec'ry.



The State of Georgia, by the Grace of God, free, sovereign and independent.

To the Honourable WILLIAM HOUSTOUN, Esq.

GEO. MATHEWS.  
[L.s.] WHEREAS you the said William Houstoun, are in and by an ordinance of the general assembly of our said state, nominated and appointed a deputy to represent the same in a convention of the United States, to be assembled at Philadelphia, for the purposes of devising and discussing all such alterations and farther provisions as may be necessary to render the federal constitution adequate to the exigencies of the union.

You are therefore hereby commissioned to proceed on the duties required of you in virtue of the said ordinance.

Witness our trusty and well beloved George Mathews, Esq. our captain-general, governour and commander in chief, under his hand and our great seal, at Augusta, this 17th day of April, in the year of our Lord 1787, and of our sovereignty and independence the eleventh.

By His Honour's command.

J. MILTON, Sec'ry.

# **JOURNAL**

**OF**

## **THE FEDERAL CONVENTION.**

---

**O**N Monday, the 14th of May, A. D. 1787, and in the eleventh year of the independence of the United States of America, at the state house in the city of Philadelphia, in virtue of appointments from their respective states, sundry deputies to the federal convention appeared; but a majority of the states not being represented, the members present adjourned, from day to day, until Friday, the 25th of the said month, when, in virtue of the said appointments, appeared from the states of

<b>MASSACHUSETTS,</b>	The Honourable Rufus King, Esq.
<b>NEW YORK,</b>	The Honourable Robert Yates, and Alexander Hamilton, Esqrs.
<b>NEW JERSEY,</b>	The Honourable David Brearly, William Churchill Houston, and William Patterson, Esqrs.
<b>PENNSYLVANIA,</b>	The Honourable Robert Morris, Thomas Fitzsimons, James Wilson, and Gouverneur Morris, Esqrs.

DELAWARE,	The Honourable George Read, Richard Basset, and Jacob Broom, Esqrs.
VIRGINIA,	His Excellency G. Washington, Esq. His Excellency E. Randolph, Esq. The Honourable John Blair, James Madison, George Mason, George Wythe, and James M'Clurg, Esqrs.
NORTH CAROLINA,	The Honourable Alexander Martin, William Richardson Davie, Richard Dobbs Spaight, and Hugh Williamson, Esqrs.
SOUTH CAROLINA,	The Honourable John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, and Pierce Butler, Esqrs.
GEORGIA,	The Honourable William Few, Esq.

It was moved by the honourable Robert Morris, Esq. one of the deputies from Pennsylvania, that a president be elected by ballot, which was agreed to ; and thereupon he nominated, on the part of the said state,

His excellency George Washington, Esq.

The members then proceeded to ballot on behalf of their respective states ; and the ballots being taken, it appeared that the said George Washington was unanimously elected ; and he was conducted to the chair by the honourable Robert Morris, and John Rutledge, Esqrs.

The president then proposed to the house that they

should proceed to the election of a secretary ; and the ballot being taken, it appeared that

William Jackson, Esq. was elected.

The following credentials were produced and read.

[See pp. 17—58.]

The house then appointed Nicholas Weaver, messenger, and Joseph Fry, doorkeeper.

On motion of Mr. C. Pinckney,

Ordered, That a committee be appointed to draw up rules to be observed as the standing orders of the convention ; and to report the same to the house.

A committee, by ballot, was appointed of

Mr. Wythe, Mr. Hamilton, and Mr. C. Pinckney.

And then the house adjourned till Monday next, at 10 o'clock, A. M.

## IN THE FEDERAL CONVENTION, MONDAY, MAY 28, 1787.

The convention met agreeably to adjournment.

The honourable Nathaniel Gorham, and Caleb Strong, Esqrs. deputies from the state of Massachusetts ; the honourable Oliver Ellsworth, Esq. a deputy from the state of Connecticut ; the honourable Gunning Bedford, Esq. a deputy from the state of Delaware, and the honourable James M'Henry, Esq. a deputy from the state of Maryland—attended and took their seats.

The following credentials were produced and read.

[See pp. 19, 20, 32, 34.]

His excellency Benjamin Franklin, Esq. and the honourable George Clymer, Thomas Mifflin, and Jared



Ingersoll, Esqrs. four of the deputies of the state of Pennsylvania, attended and took their seats.

Mr. Wythe reported from the committee, (to whom the drawing up rules proper, in their opinion, to be observed by the convention in their proceedings, as standing orders, was referred) that the committee had drawn up the rules accordingly, and had directed him to report them to the house. And he read the report in his place, and afterwards delivered it in at the secretary's table, where the said rules were once read throughout, and then a second time one by one; and upon the question severally put thereupon, two of them were disagreed to; and the rest, with amendments to some of them, were agreed to by the house; which rules, so agreed to, are as follow:

## RULES

TO BE OBSERVED AS THE STANDING ORDERS OF THE  
CONVENTION.

A HOUSE, to do business, shall consist of the deputies of not less than seven states; and all questions shall be decided by the greater number of these which shall be fully represented. But a less number than seven may adjourn from day to day.

Immediately after the President shall have taken the chair, and the members their seats, the minutes of the preceding day shall be read by the Secretary.

Every member, rising to speak, shall address the President; and, whilst he shall be speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet, or paper, printed or manuscript.



And of two members rising at the same time, the President shall name him who shall be first heard.

A member shall not speak oftener than twice, without special leave, upon the same question ; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak upon the subject.

A motion made and seconded, shall be repeated, and, if written, as it shall be when any member shall so require, read aloud, by the Secretary, before it shall be debated ; and may be withdrawn at any time before the vote upon it shall have been declared.

Orders of the day shall be read next after the minutes ; and either discussed or postponed before any other business shall be introduced.

When a debate shall arise upon a question, no motion, other than to amend the question, to commit it, or to postpone the debate, shall be received.

A question, which is complicated, shall, at the request of any member, be divided, and put separately upon the propositions of which it is compounded.

The determination of a question, although fully debated, shall be postponed, if the deputies of any state desire it, until the next day.

A writing, which contains any matter brought on to be considered, shall be read once throughout, for information ; then by paragraphs, to be debated ; and again, with the amendments, if any, made on the second reading ; and afterwards the question shall be put upon the whole, amended, or approved in its original form, as the case shall be.

That committees shall be appointed by ballot ; and

that the members, who have the greatest number of ballots, although not a majority of the votes present, be the committee. When two or more members have an equal number of votes, the member standing first on the list in the order of taking down the ballots shall be preferred.

A member may be called to order by any other member, as well as by the President; and may be allowed to explain his conduct, or expressions, supposed to be reprehensible. And all questions of order shall be decided by the President, without appeal or debate.

Upon a question to adjourn, for the day, which may be made at any time, if it be seconded, the question shall be put without a debate.

When the house shall adjourn, every member shall stand in his place until the President pass him.

Resolved, That the said rules be observed as standing orders of the house.

A letter from sundry persons of the state of Rhode Island, addressed to the honourable the Chairman of the General Convention, was presented to the chair by Mr. G. Morris; and, being read,

Ordered, That the said letter do lie upon the table for farther consideration.

A motion was made by Mr. Butler, one of the deputies of South Carolina, that the house provide against interruption of business by absence of members, and against licentious publication of their proceedings.

Also, a motion was made by Mr. Spaight, one of the deputies of North Carolina, to provide, that, on the one hand, the house may not be precluded, by a vote

upon any question, from revising the subject matter of it, when they see cause, nor, on the other hand, be led too hastily to rescind a decision, which was the result of mature discussion.

Ordered, That the said motions be referred to the consideration of the committee appointed on Friday last, to draw up rules to be observed as the standing orders of the convention; and that they do examine the matters thereof, and report thereupon to the house.

Adjourned till to-morrow at 10 o'clock, A. M.

## TUESDAY, MAY 29, 1787.

Mr. Wythe reported from the committee to whom the motions made by Mr. Butler and Mr. Spaight were referred, that the committee had examined the matters of the said motions, and had come to the following resolutions thereupon :

Resolved, That it is the opinion of this committee that provision be made for the purposes mentioned in the said motions; and to that end,

The committee beg leave to propose, that the rules written under their resolution be added to the standing orders of the house.

And the said rules were once read throughout, and then, a second time, one by one; and on the question severally put thereupon, were, with amendments to some of them, agreed to by the house; which rules so agreed to are as follow:



## RULES.

THAT no member be absent from the house, so as to interrupt the representation of the state, without leave.

That committees do not sit whilst the house shall be, or ought to be, sitting.

That no copy be taken of any entry on the journal during the sitting of the house, without the leave of the house.

That members only be permitted to inspect the journal.

That nothing spoken in the house be printed, or otherwise published, or communicated without leave.

That a motion to reconsider a matter which had been determined by a majority, may be made, with leave unanimously given, on the same day in which the vote passed; but otherwise, not without one day's previous notice; in which last case, if the house agree to the reconsideration, some future day shall be assigned for that purpose.

Resolved, That the said rules be added to the standing orders of the house.

The honourable John Dickinson, Esq. a deputy of the state of Delaware, and the honourable Elbridge Gerry, Esq. a deputy from the state of Massachusetts, attended and took their seats.

Mr. Randolph, one of the deputies of Virginia, laid before the house, for their consideration, sundry propositions, in writing, concerning the American confederation, and the establishment of a national government.

## RESOLUTIONS

OFFERED BY MR. EDMUND RANDOLPH TO THE CONVENTION, MAY 29, 1787.

1. RESOLVED, That the articles of the confederation ought to be so corrected and enlarged, as to accomplish the objects proposed by their institution, namely, common defence, security of liberty, and general welfare.

2. Resolved, therefore, that the right of suffrage, in the national legislature, ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other may seem best, in different cases.

3. Resolved, That the national legislature ought to consist of two branches.

4. Resolved, That the members of the first branch of the national legislature ought to be elected by the people of the several states, every  
for the term of \_\_\_\_\_ to be of the age of \_\_\_\_\_  
years at least; to receive liberal stipends, by which they may be compensated for the devotion of their time to publick service; to be ineligible to any office established by a particular state, or under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service and for the space of \_\_\_\_\_ after its expiration; to be incapable of re-election for the space of \_\_\_\_\_ after the expiration of their term of service; and to be subject to recal.

5. Resolved, That the members of the second branch of the national legislature ought to be elected by those



of the first, out of a proper number of persons nominated by the individual legislatures ; to be of the age of                    years, at least ; to hold their offices for a term sufficient to ensure their independency ; to receive liberal stipends, by which they may be compensated for the devotion of their time to the publick service ; and to be ineligible to any office established by a particular state, or under the authority of the United States, (except those peculiarly belonging to the functions of the second branch) during the term of service ; and for the space of                    after the expiration thereof.

6. Resolved, That each branch ought to possess the right of originating acts ; that the national legislature ought to be empowered to enjoy the legislative right vested in Congress, by the confederation ; and moreover to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation ; to negative all laws passed by the several states, contravening, in the opinion of the national legislature, the articles of union, or any treaty subsisting under the authority of the union ; and to call forth the force of the union against any member of the union failing to fulfil its duty under the articles thereof.

7. Resolved, That a national executive be instituted, to be chosen by the national legislature for the term of                    years, to receive punctually, at stated times, a fixed compensation for the services rendered, in which no increase or diminution shall be made, so as to affect the magistracy existing at the time of the increase or diminution ; to be ineligible a second time ;

and that, besides a general authority to execute the national laws, it ought to enjoy the executive rights vested in Congress by the confederation.

8. Resolved, That the executive, and a convenient number of the national judiciary, ought to compose a council of revision, with authority to examine every act of the national legislature, before it shall operate, and every act of a particular legislature before a negative thereon shall be final ; and that the dissent of the said council shall amount to a rejection, unless the act of the national legislature be again passed, or that of a particular legislature be again negated by of the members of each branch.

9. Resolved, That a national judiciary be established to hold their offices during good behaviour, and to receive punctually, at stated times, fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution— That the jurisdiction of the inferior tribunals, shall be, to hear and determine, in the first instance, and of the supreme tribunal to hear and determine, in the dernier resort, all piracies and felonies on the high seas ; captures from an enemy ; cases in which foreigners, or citizens of other states, applying to such jurisdictions, may be interested, or which respect the collection of the national revenue ; impeachments of any national officer ; and questions which involve the national peace or harmony.

10. Resolved, That provision ought to be made for the admission of states, lawfully arising within the

limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

11. Resolved, That a republican government, and the territory of each state (except in the instance of a voluntary junction of government and territory) ought to be guarantied by the United States to each state.

12. Resolved, That provision ought to be made for the continuance of a Congress, and their authorities and privileges, until a given day, after the reform of the articles of union shall be adopted, and for the completion of all their engagements.

13. That provision ought to be made for the amendment of the articles of union, whensoever it shall seem necessary; and that the assent of the national legislature ought not to be required thereto.

14. Resolved, That the legislative, executive, and judiciary powers within the several states ought to be bound by oath to support the articles of union.

15. Resolved, That the amendments, which shall be offered to the confederation by the convention, ought, at a proper time or times, after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon.

Resolved, That the house will to-morrow resolve itself into a committee of the whole house to consider of the state of the American union.

Ordered, That the propositions this day laid before

the house, for their consideration, by Mr. Randolph, be referred to the said committee.

Mr. Charles Pinckney, one of the deputies of South Carolina, laid before the house, for their consideration, the draft of a federal government to be agreed upon between the free and independent states of America.

#### MR. CHARLES PINCKNEY'S DRAFT OF A FEDERAL GOVERNMENT.\*

WE the people of the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following constitution for the government of ourselves and posterity.

##### ARTICLE I.

The style of this government shall be the United States of America, and the government shall consist of supreme legislative, executive and judicial powers.

##### ARTICLE II.

The legislative power shall be vested in a Congress, to consist of two separate houses; one to be called the house of delegates; and the other the senate, who shall meet on the            day of            in every year.

##### ARTICLE III.

The members of the house of delegates shall be

\* Paper furnished by Mr. Pinckney.



chosen every                      year by the people of the several states ; and the qualification of the electors shall be the same as those of the electors in the several states for their legislatures. Each member shall have been a citizen of the United States for                      years ; shall be of                      years of age, and a resident in the state he is chosen for                      until a census of the people shall be taken in the manner hereinafter mentioned. The house of delegates shall consist of                      to be chosen from the different states in the following proportions : for New Hampshire,                      for Massachusetts,                      for Rhode Island,                      for Connecticut,                      for New York,                      for New Jersey,                      for Pennsylvania,                      for Delaware,                      for Maryland,                      for Virginia,                      for North Carolina,                      for South Carolina,                      for Georgia,                      and the legislature shall hereafter regulate the number of delegates by the number of inhabitants, according to the provisions herein after made, at the rate of one for every                      thousand. All money bills of every kind shall originate in the house of delegates, and shall not be altered by the senate. The house of delegates shall exclusively possess the power of impeachment, and shall choose its own officers ; and vacancies therein shall be supplied by the executive authority of the state in the representation from which they shall happen.

#### ARTICLE IV.

The senate shall be elected and chosen by the house of delegates ; which house, immediately after their meeting, shall choose by ballot                      senators from among the citizens and residents of New Hampshire,                      from among those of Massachusetts,                      from



among those of Rhode Island, from among those of Connecticut, from among those of New York, from among those of New Jersey, from among those of Pennsylvania, from among those of Delaware, from among those of Maryland, from among those of Virginia, from among those of North Carolina, from among those of South Carolina, and from among those of Georgia. The senators chosen from New Hampshire, Massachusetts, Rhode Island, and Connecticut, shall form one class; those from New York, New Jersey, Pennsylvania, and Delaware, one class; and those from Maryland, Virginia, North Carolina, South Carolina, and Georgia, one class. The house of delegates shall number these classes one, two, and three; and fix the times of their service by lot. The first class shall serve for years; the second for years; and the third for years. As their times of service expire, the house of delegates shall fill them up by elections for years; and they shall fill all vacancies that arise from death, or resignation, for the time of service remaining of the members so dying or resigning. Each senator shall be years of age at least; shall have been a citizen of the United States four years before his election; and shall be a resident of the state he is chosen from. The senate shall choose its own officers.

## ARTICLE V.

Each state shall prescribe the time and manner of holding elections by the people for the house of delegates; and the house of delegates shall be the judges

of the elections, returns, and qualifications of their members.

In each house a majority shall constitute a quorum to do business. Freedom of speech and debate in the legislature shall not be impeached, or questioned, in any place out of it; and the members of both houses shall in all cases, except for treason, felony, or breach of the peace, be free from arrest during their attendance on Congress, and in going to and returning from it. Both houses shall keep journals of their proceedings, and publish them, except on secret occasions; and the yeas and nays may be entered thereon at the desire of one of the members present. Neither house, without the consent of the other, shall adjourn for more than days, nor to any place but where they are sitting.

The members of each house shall not be eligible to, or capable of holding any office under the union, during the time for which they have been respectively elected, nor the members of the senate for one year after. The members of each house shall be paid for their services by the states which they represent. Every bill, which shall have passed the legislature, shall be presented to the President of the United States for his revision; if he approves it he shall sign it; but if he does not approve it, he shall return it, with his objections, to the house it originated in; which house, if two thirds of the members present, notwithstanding the President's objections, agree to pass it, shall send it to the other house, with the President's objections; where, if two thirds of the members present also agree to pass it, the same shall become a law; and all bills sent to the President, and not returned by

him within        days, shall be laws, unless the legislature, by their adjournment, prevent their return; in which case they shall not be laws.

#### ARTICLE VI.

The legislature of the United States shall have the power to lay and collect taxes, duties, imposts and excises;

To regulate commerce with all nations, and among the several states;

To borrow money and emit bills of credit;

To establish post offices;

To raise armies;

To build and equip fleets;

To pass laws for arming, organizing, and disciplining the militia of the United States;

To subdue a rebellion in any state, on application of its legislature;

To coin money, and regulate the value of all coins, and fix the standard of weights and measures;

To provide such dock yards and arsenals, and erect such fortifications as may be necessary for the United States, and to exercise exclusive jurisdiction therein;

To appoint a Treasurer, by ballot;

To constitute tribunals inferior to the supreme court;

To establish post and military roads;

To establish and provide for a national university at the seat of the government of the United States;

To establish uniform rules of naturalization;

To provide for the establishment of a seat of government for the United States, not exceeding

miles square, in which they shall have exclusive jurisdiction ;

To make rules concerning captures from an enemy ;

To declare the law and punishment of piracies and felonies at sea, and of counterfeiting coin, and of all offences against the laws of nations ;

To call forth the aid of the militia to execute the laws of the union, enforce treaties, suppress insurrections, and repel invasions ;

And to make all laws for carrying the foregoing powers into execution.

The legislature of the United States shall have the power to declare the punishment of treason, which shall consist only in levying war against the United States, or any of them, or in adhering to their enemies. No person shall be convicted of treason but by the testimony of two witnesses.

The proportion of direct taxation shall be regulated by the whole number of inhabitants of every description ; which number shall, within      years after the first meeting of the legislature, and within the term of every      year after, be taken in the manner to be prescribed by the legislature.

No tax shall be laid on articles exported from the states ; nor capitation tax, but in proportion to the census before directed.

All laws regulating commerce shall require the assent of two thirds of the members present in each house. The United States shall not grant any title of nobility. The legislature of the United States shall pass no law on the subject of religion ; nor touching or abridging the liberty of the press ; nor shall the privilege of the



writ of habeas corpus ever be suspended, except in case of rebellion or invasion.

All acts made by the legislature of the United States, pursuant to this constitution, and all treaties made under the authority of the United States, shall be the supreme law of the land ; and all judges shall be bound to consider them as such in their decisions.

#### ARTICLE VII.

The senate shall have the sole and exclusive power to declare war ; and to make treaties ; and to appoint ambassadors and other ministers, to foreign nations, and judges of the supreme court.

They shall have the exclusive power to regulate the manner of deciding all disputes and controversies now subsisting, or which may arise, between the states, respecting jurisdiction or territory.

#### ARTICLE VIII.

The executive power of the United States shall be vested in a President of the United States of America, which shall be his style ; and his title shall be His Excellency. He shall be elected for            years ; and shall be re-eligible.

He shall from time to time give information to the legislature, of the state of the union, and recommend to their consideration the measures he may think necessary. He shall take care that the laws of the United States be duly executed. He shall commission all the officers of the United States ; and, except as to ambassadors, other ministers, and judges of the supreme court, he shall nominate, and, with the consent of the senate, appoint, all other officers of the United States. He



shall receive publick ministers from foreign nations ; and may correspond with the executives of the different states. He shall have power to grant pardons and reprieves, except in impeachments. He shall be commander in chief of the army and navy of the United States, and of the militia of the several states ; and shall receive a compensation which shall not be increased or diminished during his continuance in office. At entering on the duties of his office, he shall take an oath faithfully to execute the duties of a President of the United States. He shall be removed from his office on impeachment by the house of delegates, and conviction in the supreme court, of treason, bribery, or corruption. In case of his removal, death, resignation, or disability, the president of the senate shall exercise the duties of his office until another president be chosen. And in case of the death of the president of the senate, the speaker of the house of delegates shall do so.

#### ARTICLE IX.

The legislature of the United States shall have the power, and it shall be their duty, to establish such courts of law, equity, and admiralty, as shall be necessary.

The judges of the courts shall hold their offices during good behaviour ; and receive a compensation, which shall not be increased or diminished during their continuance in office. One of these courts shall be termed the supreme court, whose jurisdiction shall extend to all cases arising under the laws of the United States, or affecting ambassadors, other publick ministers and consuls ; to the trial of impeachment of officers of

the United States; to all cases of admiralty and maritime jurisdiction. In cases of impeachment affecting ambassadors, and other publick ministers, this jurisdiction shall be original; and in all the other cases appellate.

All criminal offences (except in cases of impeachment) shall be tried in the state where they shall be committed. The trials shall be open and publick, and be by jury.

#### ARTICLE X.

Immediately after the first census of the people of the United States, the house of delegates shall apportion the senate by electing for each state, out of the citizens resident therein, one senator for every members such state shall have in the house of delegates. Each state shall be entitled to have at least one member in the senate.

#### ARTICLE XI.

No state shall grant letters of marque and reprisal, or enter into treaty, or alliance, or confederation; nor grant any title of nobility; nor, without the consent of the legislature of the United States, lay any impost on imports; nor keep troops or ships of war in time of peace; nor enter into compacts with other states or foreign powers, or emit bills of credit, or make any thing but gold, silver, or copper, a tender in payment of debts; nor engage in war, except for self defence when actually invaded, or the danger of invasion is so great as not to admit of a delay until the government of the United States can be informed thereof. And to render these prohibitions effectual, the legislature of

the United States shall have the power to revise the laws of the several states that may be supposed to infringe the powers exclusively delegated by this constitution to Congress, and to negative and annul such as do.

#### ARTICLE XII.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. Any person, charged with crimes in any state, fleeing from justice to another, shall, on demand of the executive of the state from which he fled, be delivered up, and removed to the state having jurisdiction of the offence.

#### ARTICLE XIII.

Full faith shall be given, in each state, to the acts of the legislature and to the records and judicial proceedings of the courts and magistrates of every state.

#### ARTICLE XIV.

The legislature shall have power to admit new states into the union on the same terms with the original states; provided two thirds of the members present in both houses agree.

#### ARTICLE XV.

On the application of the legislature of a state, the United States shall protect it against domestick insurrection.

#### ARTICLE XVI.

If two thirds of the legislatures of the states apply

for the same, the legislature of the United States shall call a convention for the purpose of amending the constitution: Or, should Congress, with the consent of two thirds of each house, propose to the states amendments to the same, the agreement of two thirds of the legislatures of the states shall be sufficient to make the said amendments parts of the constitution.

The ratification of the conventions of  
states shall be sufficient for organizing  
this constitution.

Ordered, That the said draft be referred to the committee of the whole house appointed to consider of the state of the American union.

And then the house adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, MAY 30, 1787.

The honourable Roger Sherman, Esq. a deputy of the state of Connecticut, attended and took his seat.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

IN A COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham, chosen by ballot, took the chair of the committee.

The propositions offered yesterday to the consideration of the house, by Mr. Randolph, were read; and on motion of Mr. Randolph, seconded by Mr. G. Mor-



ris, "That the consideration of the first resolution contained in the said propositions be postponed,"

It passed in the affirmative.

It was then moved by Mr. Randolph, and seconded by Mr. G. Morris, to substitute the following resolution in the place of the first resolution :

Resolved, That an union of the states, merely federal, will not accomplish the objects proposed by the articles of confederation, namely,

"Common defence, security of liberty, and general welfare."

It was moved by Mr. Butler, seconded by Mr. Randolph, to postpone the consideration of the said resolution, in order to take up the following resolution, submitted by Mr. Randolph, namely,

Resolved, That a national government ought to be established, consisting of a supreme legislative, judiciary, and executive.

It was moved by Mr. Read, seconded by Mr. C. C. Pinckney, to postpone the consideration of the last resolution, in order to take up the following :

Resolved, That in order to carry into execution the design of the states, in forming this convention, and to accomplish the objects proposed by the confederation, "a more effective government consisting of a legislative, judiciary, and executive, ought to be established."

On the question to postpone, in order to take up the last resolution, the question was lost.

YEAS—Massachusetts, Connecticut, Delaware, South Carolina - - - - - 4

NAYS—New York, Pennsylvania, Virginia, North Carolina - - - - - 4



On motion to agree to the said resolution moved by Mr. Butler, it passed in the affirmative ; and the resolution as agreed to, is as follows :

Resolved, That it is the opinion of this committee that a national government ought to be established consisting of a supreme legislative, judiciary, and executive.

YEAS—Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina - - 6

NAY—Connecticut - - - - 1

DIVIDED—New York - - - - 1

The following resolution was then moved by Mr. Randolph :

Resolved, That the rights of suffrage in the national legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

It was moved by Mr. Hamilton, seconded by Mr. Spaight, that the resolution be altered so as to read,

Resolved, That the rights of suffrage in the national legislature ought to be proportioned to the number of free inhabitants.

It was moved and seconded, that the resolution be postponed ;

And on the question to postpone,

It passed in the affirmative.

The following resolution was moved by Mr. Randolph, seconded by Mr. Madison :

Resolved, That the rights of suffrage in the national legislature ought to be proportioned.

It was moved and seconded to add the words, “ and “not according to the present system.”

On the question to agree to the amendment,

It passed in the affirmative.

It was then moved and seconded so to alter the resolution that it should read,

Resolved, That the rights of suffrage in the national legislature ought not to be according

It was then moved and seconded to postpone the consideration of the last resolution.

And on the question to postpone,

It passed unanimously in the affirmative.

The following resolution was then moved by Mr. Madison, seconded by Mr. G. Morris :

Resolved, That the equality of suffrage, established by the articles of confederation, ought not to prevail in the national legislature ; and that an equitable ratio of representation ought to be substituted.

It was moved and seconded to postpone the consideration of the last resolution.

And on the question to postpone,

It passed in the affirmative.

It was moved and seconded that the committee do now rise.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a progress in the matter to them referred ; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow at 10 o'clock, A. M.

## THURSDAY, MAY 31, 1787.

The honourable William Pierce Esq. a deputy of the state of Georgia, attended and took his seat.

The following credentials were produced and read.  
[See p. 54.]

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved and seconded that the committee proceed to the consideration of the following resolution, submitted by Mr. Randolph :

“Resolved, That the national legislature ought to consist of two branches.”

And on the question to agree to the said resolution, It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, Delaware, Virginia, North Carolina, South Carolina 7

NAY—Pennsylvania - - - - - 1

It was then moved and seconded to proceed to the consideration of the following clause of the fourth resolution, submitted by Mr. Randolph :

“Resolved, That the members of the first branch of the national legislature ought to be elected by the people of the several states.”

And on the question to agree to the said clause of the fourth resolution,

It passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania, Virginia, North Carolina, Georgia - - - 6

NAYS—New Jersey, South Carolina - - - 2

DIVIDED—Connecticut, Delaware - - - 2

It was then moved and seconded to postpone the consideration of the remaining clauses in the said fourth resolution.

And on the question to postpone the remaining clauses of the said fourth resolution,

It passed in the affirmative.

It was then moved and seconded to proceed to the consideration of the following resolution, being the fifth submitted by Mr. Randolph :

“Resolved, That the members of the second branch of the national legislature ought to be elected by those of the first out of,” &c.

And on the question to agree to the said fifth resolution,

It passed in the negative.

YEAS—None.

NAYS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 9

DIVIDED—Delaware - - - 1

It was then moved and seconded to proceed to the consideration of the following resolution, being the sixth submitted by Mr. Randolph :

“Resolved, That each branch ought to possess the right of originating acts :—That the national legislature ought to be empowered to enjoy the legislative

“rights vested in Congress by the confederation :—  
“And moreover, to legislate in all cases, to which the  
“separate states are incompetent, or in which the har-  
“mony of the United States may be interrupted, by the  
“exercise of individual legislation :—To negative all  
“laws, passed by the several states, contravening, in  
“the opinion of the national legislature, the articles of  
“the union”—(the following words were added to this  
clause on motion of Mr. Franklin)—“or any treaties  
“subsisting under the authority of the union.”

Questions being taken separately on the foregoing clauses of the sixth resolution, they were agreed to.

It was then moved and seconded to postpone the consideration of the last clause of the sixth resolution, namely,

“To call forth the force of the union against any  
“member of the union, failing to fulfil its duty under  
“the articles thereof.”

On the question to postpone the consideration of said clause,

It passed in the affirmative.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred ; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house, to consider of the state of the American union.

And then the house adjourned till to-morrow at 10 o'clock, A. M.



## FRIDAY, JUNE 1, 1787.

The honourable William Houstoun, Esq. a deputy of the state of Georgia, attended and took his seat.

The following credential was produced and read [See p. 54.]

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved and seconded to proceed to the consideration of the seventh resolution submitted by Mr. Randolph, namely,

“Resolved, That a national executive be instituted,  
“to be chosen by the national legislature, for the term  
“of        years ; to receive punctually, at stated times,  
“a fixed compensation for the services rendered, in  
“which no increase or diminution shall be made, so as  
“to affect the magistracy existing at the time of such  
“increase or diminution ; and to be ineligible a second time ; and that, besides a general authority to  
“execute the national laws, it ought to enjoy the executive rights vested in Congress by the confederation.”

On motion of Mr. Wilson, seconded by Mr. C. Pinckney, to amend the first clause of the resolution,

by adding, after the word "instituted," the words "to consist of a single person," so as to read,

"Resolved, That a national executive to consist of a single person be instituted,"

It was moved and seconded to postpone the consideration of the amendment.

And, on the question to postpone,

It passed in the affirmative.

It was then moved and seconded to agree to the first clause of the resolution, namely,

"Resolved, That a national executive be instituted."

And on the question to agree to the said clause,

It passed in the affirmative.

It was then moved by Mr. Madison, seconded by Mr. Wilson, after the word "instituted," to add the words "with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; and to execute such other powers, not legislative or judiciary in their nature, as may from time to time be delegated by the national legislature."

And on a division of the amendment the following clauses were agreed to, namely,

"With power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for."

YEAS—Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - - 9

DIVIDED—Connecticut - - - - 1

On the motion to continue the last clause of the amendment, namely,

“And to execute such other powers, not legislative or judiciary in their nature, as may from time to time be delegated by the national legislature,”

It passed in the negative.

YEAS—Massachusetts, Virginia, South Carolina 3

NAYS—Connecticut, New York, New Jersey, Pennsylvania, Delaware, North Carolina, Georgia 7

It was then moved and seconded to fill up the blank with the word “seven;” so as to read—“for the term “of seven years.”

And on the question to fill up the blank with the word “seven,”

It passed in the affirmative.

YEAS—New York, New Jersey, Pennsylvania, Delaware, Virginia - - - - - 5

NAYS—Connecticut, North Carolina, South Carolina, Georgia - - - - - 4

DIVIDED—Massachusetts - - - - - 1

It was then moved and seconded to postpone the consideration of the following words, namely,

“To be chosen by the national legislature.”

And on the question to postpone,

It passed in the affirmative.

It was then moved and seconded, that the committee do now rise, and report a further progress.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow at 10 o'clock, A. M.

### SATURDAY, JUNE 2, 1787.

The honourable William Samuel Johnson, Esq. a deputy of the state of Connecticut, and the honourable Daniel of St. Thomas Jenifer, a deputy of the state of Maryland, and the honourable John Lansing, jun. a deputy from the state of New York, attended and took their seats.

The following credentials were produced and read.  
[See pp. 20, 22, 34.]

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved and seconded to postpone the further consideration of the resolution submitted by Mr. Randolph, which respects the executive, in order to take up the consideration of the resolution respecting the second branch of the legislature.

And on the question to postpone,

It passed in the negative.

YEAS—New York, Pennsylvania, Maryland 3

NAYS—Massachusetts, Connecticut, Delaware, Virginia, North Carolina, South Carolina, Georgia 7



It was then moved and seconded to postpone the consideration of these words, namely,

“To be chosen by the national legislature,” in order to take up the following resolution submitted by Mr. Wilson, namely,

“Resolved, That the executive magistracy shall be elected in manner following :

“That the states be divided into districts ;  
“and that the persons qualified to vote in each district  
“elect members for their respective districts to  
“be electors of the executive magistracy.

“That the electors of the executive magistracy meet ;  
“and they or any of them shall elect by ballot, but not  
“out of their own body, person in whom  
“the executive authority of the national government  
“shall be vested.”

And on the question to postpone,

It passed in the negative.

YEAS—Pennsylvania, Maryland - - - 2

NAYS—Massachusetts, Connecticut, Delaware, Virginia, North Carolina, South Carolina, Georgia 7

DIVIDED—New York - - - - 1

It was then moved and seconded to agree to the words in the resolution, submitted by Mr. Randolph, so as to read, “to be chosen by the national legislature for the term of seven years.”

And on the question to agree to these words;

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - - 8

NAYS—Pennsylvania, Maryland - - - - 2

It was then moved and seconded, to postpone the



consideration of that part of the resolution, as submitted by Mr. Randolph, which respects the stipend of the executive, in order to introduce the following motion made by Dr. Franklin, namely,

“ Whose necessary expenses shall be defrayed, but  
“ who shall receive no salary, stipend, fee, or reward  
“ whatsoever, for their services.”

And on the question to postpone,

It passed in the affirmative.

It was then moved and seconded to postpone the consideration of the said motion offered by Dr. Franklin.

And on the question to postpone,

It passed in the affirmative.

It was then moved by Mr. Dickinson, seconded by Mr. Bedford, to amend the resolution before the committee, by adding, after the words “ to be chosen by  
“ the national legislature for the term of seven years,”  
the following words :

“ To be removable by the national legislature upon  
“ request by a majority of the legislatures of the in-  
“ dividual states.”

It was moved and seconded to strike out the words  
“ upon request by a majority of the legislatures of the  
“ individual states.”

On the question to strike out,

It passed in the negative.

YEAS—Connecticut, South Carolina, Georgia 3

NAYS—Massachusetts, New York, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina 7

The question being taken to agree to the amendment offered by Mr. Dickinson,

It passed in the negative.

YEA—Delaware - - - - - 1

NAYS—Massachusetts, Connecticut, New York,  
Pennsylvania, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - - - 9

The question being then taken on the words contained in the resolution submitted by Mr. Randolph, namely,

“To be ineligible a second time,”

It passed in the affirmative.

YEAS—Massachusetts, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 8

NAY—Connecticut - - - - - 1

DIVIDED—Pennsylvania - - - - - 1

It was then moved by Mr. Williamson, seconded by Mr. Davie, to add the following words to the last clause of the resolution respecting the executive, namely,

“And to be removable on impeachment and conviction of mal practice, or neglect of duty.”

On the motion to add the words,

It passed in the affirmative.

It was then moved by Mr. Rutledge, seconded by Mr. C Pinckney, to fill up the blank after the words “executive to consist of” with the words “one person.”

It was then moved and seconded, to postpone the consideration of the last motion.

And on the question to postpone,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, North Carolina, South Carolina, Georgia - - - - - 6

NAYS—Pennsylvania, Delaware, Maryland, Virginia - - - - - 4

It was then moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported, from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will on Monday again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till Monday next, at 11 o'clock, A. M.

#### MONDAY, JUNE 4, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

#### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved and seconded to proceed to the further consideration of the propositions submitted to the committee by Mr. Randolph—when,

On motion of Mr. C. Pinckney, seconded by Mr. Wilson, to fill up the blank after the words “that a na-

“tional executive be instituted to consist of,” with the words, “a single person,”

On the question to fill up the blank with the words, “a single person,”

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, Delaware, Maryland - 3

It was then moved and seconded, to take into consideration the first clause of the eighth resolution submitted by Mr. Randolph, namely,

“Resolved, That the national executive and a convenient number of the national judiciary ought to compose a council of revision.”

It was then moved and seconded to postpone the consideration of the said clause, in order to introduce the following resolution, submitted by Mr. Gerry, namely,

“Resolved, That the national executive shall have a right to negative any legislative act, which shall not be afterwards passed, unless by parts of each branch of the national legislature.”

And on the question to postpone,

It passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania, North Carolina, South Carolina, Georgia - 6

NAYS—Connecticut, Delaware, Maryland, Virginia - - - - - 4

It was then moved by Mr. Wilson, seconded by Mr. Hamilton, to strike out the words, “shall not be afterwards passed but by parts of each branch of the national legislature.”



And on the question to strike out the words,

It passed unanimously in the negative.

It was then moved by Mr. Butler, seconded by Dr. Franklin, that the resolution be altered so as to read,

“Resolved, That the national executive have a  
“power to suspend any legislative act for”

And on the question to agree to the alteration,

It passed unanimously in the negative.

A question was then taken on the resolution submitted by Mr. Gerry, namely,

“Resolved, That the national executive shall have  
“a right to negative any legislative act, which shall not  
“be afterwards passed, unless by two third parts of  
“each branch of the national legislature.”

And on the question to agree to the same,

It passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania,  
Delaware, Virginia, North Carolina, South Carolina,  
Georgia - - - - - 3

NAYS—Connecticut, Maryland - - - - - 2

It was then moved by Mr. Wilson, and seconded by Mr. Madison, that the following amendment be made to the last resolution, after the words “national executive,” to add the words, “a convenient number of  
“the national judiciary.”

An objection of order being taken, by Mr. Hamilton, to the introduction of the last amendment at this time—notice was given by Mr. Wilson, seconded by Mr. Madison, that the same would be moved to-morrow.

Wednesday assigned to reconsider.

It was then moved and seconded to proceed to the consideration of the ninth resolution submitted by Mr.

Randolph :—when, on motion to agree to the first clause, namely,

“ Resolved, That a national judiciary be established,”

It passed in the affirmative.

It was then moved and seconded to add these words to the first clause of the ninth resolution, namely,

“ To consist of one supreme tribunal, and of one or more inferior tribunals.”

And on the question to agree to the same,

It passed in the affirmative.

It was then moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported, from the committee,

That the committee had made a further progress in the matter to them referred ; and directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow at 11 o'clock, A. M.

TUESDAY, JUNE 5, 1787.

His excellency William Livingston, Esq. a deputy

of the state of New Jersey, attended and took his seat.

The following credentials were then produced and read. [See p. 26.]

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved and seconded to proceed to the further consideration of the ninth resolution submitted by Mr. Randolph.

It was then moved and seconded to amend the last clause by striking out the words "one or more," so as to read, "and of inferior tribunals."

And on the question to strike out,  
It passed in the affirmative.

It was then moved and seconded to strike out the words "the national legislature," so as to read, "to be appointed by."

On the question to strike out,  
It passed in the affirmative.

Notice was given by Mr. Wilson, that he should, at a future day, move for a reconsideration of that clause which respects "inferior tribunals."

Mr. C. Pinckney gave notice, that when the clause which respects the appointment of the judiciary came before the committee, he should move to restore the words "the national legislature."

It was then moved and seconded to agree to the following part of the ninth resolution, namely,

“To hold their offices during good behaviour; and  
“to receive punctually, at stated times, a fixed compensation for their services, in which no increase or  
“diminution shall be made, so as to affect the persons  
“actually in office, at the time of such increase or diminution.”

And on the question to agree to the same,

It passed in the affirmative.

It was then moved and seconded to postpone the remaining clause of the ninth resolution.

And on the question to postpone,

It passed in the affirmative.

On the question to agree to the tenth resolution, as submitted by Mr. Randolph, namely,

“Resolved, That provision ought to be made for  
“the admission of states lawfully arising within the  
“limits of the United States, whether from a voluntary  
“junction of government and territory, or otherwise,  
“with the consent of a number of voices in the national legislature less than the whole,”

It passed in the affirmative.

It was moved and seconded to postpone the consideration of the eleventh resolution submitted by Mr. Randolph.

And on the question to postpone,

It passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina, Georgia - - - - - 8

NAYS—Connecticut, South Carolina - - - - - 2



On the question to agree to the twelfth resolution submitted by Mr. Randolph, namely,

“Resolved that provision ought to be made for the  
“continuance of a congress, and their authorities and  
“privileges, until a given day, after the reform of the  
“articles of union shall be adopted, and for the com-  
“pletion of all their engagements,”

It passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania,  
Maryland, Virginia, North Carolina, South Carolina,  
Georgia - - - - - 8

NAYS—Connecticut, Delaware - - - - - 2

It was then moved and seconded to postpone the consideration of the thirteenth resolution submitted by Mr. Randolph.

And on the question to postpone,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York,  
Pennsylvania, Delaware, Maryland, North Carolina 7

NAYS—Virginia, South Carolina, Georgia - 3

It was moved and seconded to postpone the consideration of the fourteenth resolution submitted by Mr. Randolph.

And on the question to postpone,

It passed in the affirmative.

YEAS—Connecticut, New Jersey, Maryland, Virginia, South Carolina, Georgia - - - - - 6

NAYS—New York, Pennsylvania, Delaware, North Carolina - - - - - 4

DIVIDED—Massachusetts - - - - - 1

It was moved and seconded to postpone the consideration of the fifteenth resolution submitted by Mr. Randolph.

And on the question to postpone,  
It passed in the affirmative.

It was moved by Mr. C. Pinckney, seconded by Mr. Rutledge, that to-morrow be assigned to reconsider that clause of the fourth resolution, which respects the election of the first branch of the national legislature.

And on the question to reconsider the same to-morrow,

It passed in the affirmative.

YEAS—Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia - - - - 6

NAYS—Massachusetts, New Jersey, North Carolina, South Carolina, Georgia - - - - 5

It was moved by Mr. Rutledge, seconded by Mr. Sherman, to strike out the following words in the ninth resolution submitted by Mr. Randolph, namely,  
“And of inferior tribunals.”

And on the question to strike out,  
It passed in the affirmative.

YEAS—Connecticut, New Jersey, North Carolina, South Carolina, Georgia - - - - 5

NAYS—Pennsylvania, Delaware, Maryland, Virginia - - - - 4

DIVIDED—Massachusetts, New York - - 2

It was then moved and seconded, that the following clause be added to the ninth resolution, namely,

“That the national legislature be empowered to appoint inferior tribunals.”

And on the question to agree to the same,  
It passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - 7

NAYS—Connecticut, New Jersey, South Carolina 3

DIVIDED—New York - - - - - 1

It was then moved and seconded that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow at 11 o'clock, A. M.

#### WEDNESDAY JUNE 6, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

#### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved by Mr. C. Pinckney, seconded by Mr. Rutledge, to strike the word "people" out of the fourth

resolution submitted by Mr. Randolph, and to insert in its place the word "legislatures" so as to read,

"Resolved, That the members of the first branch of the national legislature ought to be elected by the legislatures of the several states."

And on the question to strike out,

It passed in the negative.

YEAS—Connecticut, New Jersey, South Carolina 3

NAYS—Massachusetts, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - - 8

On motion of Mr. Wilson, seconded by Mr. Madison, to amend the eighth resolution, which respects the negative to be vested in the national executive, by adding, after the words "national executive," the words "with a convenient number of the national judiciary."

On the question to agree to the addition of these words,

It passed in the negative.

YEAS—Connecticut, New York, Virginia - 3

NAYS—Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - - - 8

Mr. C. Pinckney gave notice, that to-morrow he should move for the reconsideration of that clause in the resolution, adopted by the committee, which vests a negative in the national legislature on the laws of the several states.

Friday assigned to reconsider.

It was then moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.



## IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house, to consider of the state of the American union.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## THURSDAY, JUNE 7, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

The following resolution was submitted by Mr. Dickinson, seconded by Mr. Sherman, namely,

“Resolved, That the members of the second branch  
“of the national legislature ought to be chosen by the  
“individual legislatures.”

It was then moved and seconded, to postpone the last resolution, in order to introduce the following,

submitted by Mr. Wilson, seconded by Mr. Morris, namely,

“Resolved, That the second branch of the national legislature be elected by the people in districts, to be formed for that purpose.”

And on the question to postpone,

It passed it the negative.

YEA—Pennsylvania - - - - - 1

NAYS—Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 10

A question was then taken on the resolution submitted by Mr. Dickinson, namely,

“Resolved, That the members of the second branch of the national legislature ought to be chosen by the individual legislatures.”

And on the question to agree to the same,

It passed unanimously in the affirmative.

Mr. Gerry gave notice, that he would to-morrow move for the reconsideration of the resolution, which respects the appointment of the national executive—when he should offer to substitute the following mode of appointing the national executive, namely,

“By the executives of the several states.”

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house, to consider of the state of the American union.

And then the house adjourned till to-morrow, at 10 o'clock, A. M.

### FRIDAY, JUNE 8, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

#### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved by Mr. Pinckney, seconded by Mr. Madison, to strike out the following words in the sixth resolution adopted by the committee, namely,

“To negative all laws passed by the several states contravening, in the opinion of the national legislature, the articles of union, or any treaties subsisting under the authority of the union.” And to insert the following words in their place, namely,

“To negative all laws which to them shall appear improper.”

And on the question to strike out,

It passed in the negative.

YEAS—Massachusetts, Pennsylvania, Virginia 3

NAYS—Connecticut, New York, New Jersey, Maryland, North Carolina, South Carolina, Georgia 7

DIVIDED—Delaware - - - - - 1

It was moved by Mr. Gerry, seconded by Mr. King, to reconsider that clause of the seventh resolution adopted by the committee, which respects the appointment of the national executive.

On the question to reconsider,

It passed in the affirmative.

YEAS—Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - - - - - 9

NAYS—Connecticut, North Carolina - - - 2

And to-morrow was assigned for the reconsideration.

It was then moved by Mr. C. Pinckney, seconded by Mr. Rutledge, that the following resolution be added after the fourth resolution adopted by the committee, namely,

“Resolved, That the states be divided into three classes; the first class to have three members, the second two, and the third one member each;—that an estimate be taken of the comparative importance of each state, at fixed periods, so as to ascertain the number of members they may from time to time be entitled to.”

Before any debate was had, or determination taken on Mr. Pinckney’s proposition, it was moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in



the matter to them referred ; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### SATURDAY, JUNE 9, 1787.

The honourable Luther Martin, Esq. one of the deputies of the state of Maryland, attended and took his seat.

The order of the day being read,

The house resolved itself into a committee of the whole house, to consider of the state of the American union.

Mr. President left the chair.

#### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

A question being taken on Mr. Gerry's motion to strike out the following words, in that clause of the seventh resolution, adopted by the committee, which respects the appointment of the national executive, namely,

“ To be chosen by the national legislature ;” and to insert, “ to be chosen by the executives of the individual states,”

It passed in the negative.

YEAS—None.

NAYS—Massachusetts, Connecticut, New York, New

Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

DIVIDED—Delaware - - - - 1

It was moved by Mr. Patterson, seconded by Mr. Brearly, to enter on the consideration of the resolution submitted by Mr. Randolph.

After some time passed in debate,

It was moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee, that the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will, on Monday next, again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till Monday next, at 11 o'clock, A. M.

#### MONDAY, JUNE 11, 1787.

The honourable Abraham Baldwin, Esq. one of the deputies of the state of Georgia, attended and took his seat.

The order of the day being read,

The house resolved itself into a committee of the

whole house to consider of the state of the American union.

Mr. President left the chair.

#### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved by Mr. King, seconded by Mr. Rutledge, to agree to the following resolution, namely,

“Resolved, That the right of suffrage in the first  
“branch of the national legislature ought not to be ac-  
“cording to the rule established in the articles of con-  
“federation, but according to some equitable ratio of  
“representation.”

And on the question to agree to the same,

It was passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, New Jersey, Delaware - 3

DIVIDED—Maryland - - - - - 1

It was then moved by Mr. Rutledge, seconded by Mr. Butler, to add the following words to the last resolution, namely,

“According to the quotas of contribution.”

It was moved by Mr. Wilson, seconded by Mr. C. Pinckney, to postpone the consideration of the last motion, in order to introduce the following words, after the words “equitable ratio of representation,” namely,

“In proportion to the whole number of white and  
“other free citizens and inhabitants of every age, sex,  
“and condition, including those bound to servitude for  
“a term of years, and three fifths of all other persons

“not comprehended in the foregoing description, except Indians, not paying taxes, in each state.”

On the question to postpone,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

NAY—Delaware - - - 1

On the question to agree to Mr. Wilson’s motion,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAYS—New Jersey, Delaware - - - 2

It was moved by Mr. Sherman, seconded by Mr. Ellsworth, “that in the second branch of the national legislature each state have one vote.”

On the question to agree to the same,

It passed in the negative.

YEAS—Connecticut, New York, New Jersey, Delaware, Maryland - - - 5

NAYS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 6

It was then moved by Mr. Wilson, seconded by Mr. Hamilton, to adopt the following resolution, namely,

“Resolved, That the right of suffrage in the second branch of the national legislature, ought to be according to the rule established for the first.”

On the question to agree to the same,

It passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 6



NAYS—Connecticut, New York, New Jersey, Delaware, Maryland - - - - - 5

It was moved and seconded to amend the eleventh resolution submitted by Mr. Randolph, by adding the words “voluntary junction, or partition.”

Passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—Connecticut, New Jersey, Delaware, Maryland - - - - - 4

It was moved and seconded, to amend the resolution, by adding the words “national government” after the words

YEAS—Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, New Jersey, Delaware, Maryland - - - - - 4

It was moved and seconded, to agree to the eleventh resolution submitted by Mr. Randolph; and amended to read as follows:

“Resolved, That a republican constitution, and its existing laws, ought to be guarantied to each state, by the United States.”

And on the question to agree to the same,

It passed unanimously in the affirmative.

It was then moved and seconded, to agree to the following resolution:

“Resolved, That provision ought to be made for the amendment of the articles of union, whensoever it shall seem necessary.”

On the question to agree to the same,

It passed in the affirmative.

It was agreed to postpone the following clause in

the thirteenth resolution submitted by Mr. Randolph, namely,

“And that the assent of the national legislature  
“ought not to be required thereto.”

It was then moved and seconded, to agree to the fourteenth resolution submitted by Mr. Randolph, namely,

“Resolved, That the legislative, executive, and judi-  
“ciary powers within the several states, ought to be  
“bound by oath to support the articles of union.”

It was then moved by Mr. Martin, seconded by  
to strike out the words, “within the  
“several states.”

And on the question to strike out,

It passed in the negative.

YEAS—Connecticut, New Jersey, Delaware, Mary-  
land - - - - - 4

NAYS—Massachusetts, New York, Pennsylvania,  
Virginia, North Carolina, South Carolina, Georgia 7

It was then moved and seconded to agree to the fourteenth resolution as submitted by Mr. Randolph.

And on the question to agree to the same,

It passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Virginia, North  
Carolina, South Carolina, Georgia - - - 6

NAYS—Connecticut, New York, New Jersey, Dela-  
ware, Maryland - - - - - 5

It was moved and seconded to agree to the fifteenth resolution submitted by Mr. Randolph.

And on the question to agree to the same,

It passed in the affirmative.

YEAS—Massachusetts, Virginia, North Carolina,  
South Carolina, Georgia - - - - - 5

NAYS—Connecticut, New York, New Jersey, 3

DIVIDED—Delaware, Maryland - - - 2

It was then moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow at 11 o'clock, A. M.

#### TUESDAY, JUNE 12, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

#### IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved and seconded to fill up the blank in the fourth resolution, respecting the term for which the

members of the first branch of the national legislature should be chosen with the words "three years."

On the motion to fill up with "three years,"

It passed in the affirmative.

YEAS—New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia - - - 7

NAYS—Massachusetts, Connecticut, North Carolina, South Carolina - - - - - 4

It was moved and seconded to strike out the following words in the fourth resolution, namely,

"To be of years at least."

And on the question to strike out,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - - 10

NAY—Maryland - - - - - 1

It was moved and seconded, to add the words "and fixed," after the word "liberal," in that clause of the fourth resolution which respects the stipend of the first branch.

Passed in the affirmative.

YEAS—New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - - 8

NAYS—Massachusetts, Connecticut, South Carolina 3

It was then moved and seconded, to add the words "to be paid out of the publick treasury."

Agreed to.

YEAS—Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - - 8

NAYS—Connecticut, New York, South Carolina 3



A question being taken on the clause respecting the salary of the first branch,

It passed in the affirmative.

YEAS—Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - - 8

NAYS—Connecticut, New York, South Carolina 3

It was moved and seconded, to strike out the words, “by a particular state.”

Passed in the negative.

YEAS—Connecticut, New York, North Carolina, South Carolina - - - - - 4

NAYS—New Jersey, Pennsylvania, Delaware, Virginia, Georgia - - - - - 5

DIVIDED—Massachusetts, Maryland - - - 2

A question being taken on the clause which respects the ineligibility of the members of the first branch,

It passed in the affirmative.

YEAS—Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

NAY—Connecticut - - - - - 1

It was moved and seconded to amend the fourth resolution by inserting the words, “and under the national government for the space of three years after its expiration.”

Passed in the negative.

YEA—Maryland - - - - - 1

NAYS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - 10

Moved and seconded to fill up the blank with “one year.”

Passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina - - - - - 8

NAYS—New York, Georgia - - - - - 2

DIVIDED—Maryland - - - - - 1

It was moved and seconded to strike out the following words, namely,

“To be incapable of re-election for the space of  
“after the expiration of their term of service,  
“and to be subject to recal.”

On the question to strike out,

Passed in the affirmative.

It was moved and seconded, to strike out the words  
“to be of years at least,” from the fifth resolution.

Passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania 3

NAYS—Massachusetts, New York, Delaware, Maryland, Virginia, South Carolina - - - - - 6

DIVIDED—North Carolina, Georgia - - - - - 2

Moved to fill up the blank with “thirty.”

Passed in the affirmative.

YEAS—Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina 7

NAYS—Connecticut, New Jersey, Delaware, Georgia - - - - - 4

Moved and seconded to fill up the blank after the words “sufficient to ensure their independency,” with  
“seven years.”

Passed in the affirmative.

YEAS—New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia 8

**NAY**—Connecticut - - - - - 1

**DIVIDED**—Massachusetts, New York - - - - - 2

It was moved by Mr. Rutledge, seconded by Mr. Butler, to strike out the clause which respects stipends to be allowed to the second branch.

On the question to strike out,

Passed in the negative.

**YEAS**—Connecticut, Delaware, South Carolina - - - 3

**NAYS**—New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Georgia - - - 7

**DIVIDED**—Massachusetts - - - - - 1

It was then moved and seconded that the clause which respects the stipends to be given to the second branch, be the same as that of the first.

Passed in the affirmative.

It was moved and seconded, that the ineligibility of the second branch to office be the same as the first.

Passed in the affirmative.

**YEAS**—Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 10

**NAY**—Connecticut - - - - - 1

It was moved and seconded, to alter the resolution submitted by Mr. Randolph, so as to read as follows, namely,

“ That the jurisdiction of the supreme tribunal shall  
“ be to hear and determine in the dernier resort all pi-  
“ racies, felonies,” &c.

It was moved and seconded to postpone the whole of the last clause generally.

It was then moved and seconded to strike out the words “ all piracies and felonies on the high seas.”

Passed in the affirmative.

It was moved and seconded to strike out the words "all captures from an enemy."

Passed in the affirmative.

It was moved and seconded to strike out the words "other states," and to insert the words "two distinct states in the union."

Passed in the affirmative.

It was moved and seconded to postpone the consideration of the resolution which respects the judiciary.

Passed in the affirmative.

It was then moved and seconded that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

#### IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

#### WEDNESDAY, JUNE 13, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house, to consider of the state of the American union.

Mr. President left the chair.



## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved by Mr. Randolph, seconded by Mr. Madison, to adopt the following resolution respecting the national judiciary, namely,

“ That the jurisdiction of the national judiciary shall  
“ extend to cases which respect the collection of the  
“ national revenue, impeachments of any national offi-  
“ cers, and questions which involve the national peace  
“ and harmony.”

Passed in the affirmative.

It was moved by Mr. Pinckney, seconded by Mr. Sherman, to insert after the words “ one supreme tribu-  
“ nal,”—“ the judges of which to be appointed by the  
“ second branch of the national legislature.”

Passed in the affirmative.

It was moved by Mr. Gerry, seconded by Mr. Pinckney, to add the following words to the fifth resolution adopted by the committee, namely,

“ Excepting money bills, which shall originate in the  
“ first branch of the national legislature.”

Passed in the negative.

YEAS—New York, Delaware, Virginia - 3

NAYS—Massachusetts, Connecticut, New Jersey,  
Pennsylvania, Maryland, North Carolina, South Caro-  
lina, Georgia, - - - - - 8

It was then moved and seconded, that the committee do rise, and report the proceedings to the house.

The committee then rose.

## IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee, having considered and gone through the propositions offered to the house by the honourable Mr. Randolph, and to them referred, were prepared to report thereon; and had directed him to submit the report to the consideration of the house.

The report was then delivered in at the Secretary's table, and having been once read,

It was moved by Mr. Randolph, seconded by Mr. Martin, to postpone the further consideration of the report till to-morrow.

And on the question to postpone,

It passed in the affirmative.

And then the house adjourned till to-morrow at 11 o'clock, A. M.

## THURSDAY, JUNE 14, 1787.

It was moved by Mr. Patterson, seconded by Mr. Randolph, that the further consideration of the report from the committee of the whole house be postponed till to-morrow; and before the question for postponement was taken,

It was moved by Mr. Randolph, seconded by Mr. Patterson, that the house adjourn.

And then the house adjourned till to-morrow, at 11 o'clock.

## FRIDAY, JUNE 15, 1787.

Mr. Patterson submitted several resolutions to the consideration of the house, which he read in his place, and afterwards delivered in at the Secretary's table.

They were then read.

## PROPOSITIONS

OFFERED TO THE CONVENTION BY THE HONOURABLE  
MR. PATTERSON, JUNE 15, 1787.\*

1. RESOLVED, That the articles of confederation ought to be so revised, corrected, and enlarged, as to render the federal constitution adequate to the exigencies of government, and the preservation of the union.

2. Resolved, That in addition to the powers vested in the United States in Congress, by the present existing articles of confederation, they be authorized to pass acts for raising a revenue, by levying a duty or duties on all goods and merchandize of foreign growth or manufacture, imported into any part of the United States—by stamps on paper, vellum, or parchment, and by a postage on all letters and packages passing through the general post office—to be applied to such federal purposes as they shall deem proper and expedient ; to make rules and regulations for the collection thereof ; and the same from time to time to alter and amend, in such manner as they shall think proper. To pass acts for the regulation of trade and commerce, as well

\* Paper furnished by general Bloomfield.

with foreign nations as with each other ; provided, that all punishments, fines, forfeitures, and penalties, to be incurred for contravening such rules and regulations, shall be adjudged by the common law judiciary of the states in which any offence contrary to the true intent and meaning of such rules and regulations shall be committed or perpetrated ; with liberty of commencing, in the first instance, all suits or prosecutions for that purpose, in the superior common law judiciary of such state ; subject, nevertheless, to an appeal for the correction of all errors, both in law and fact, in rendering judgment, to the judiciary of the United States.

3. Resolved, That whenever requisitions shall be necessary, instead of the present rule, the United States in Congress be authorized to make such requisitions in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes ; that if such requisitions be not complied with in the time to be specified therein, to direct the collection thereof in the non-complying states ; and for that purpose to devise and pass acts directing and authorizing the same ; provided, that none of the powers hereby vested in the United States in Congress, shall be exercised without the consent of at least        states ; and in that proportion, if the number of confederated states should be hereafter increased or diminished.

4. Resolved, That the United States in Congress be authorized to elect a federal executive to consist of        persons, to continue in office for the term of



years ; to receive punctually, at stated times, a fixed compensation for the services by them rendered, in which no increase or diminution shall be made, so as to affect the persons composing the executive at the time of such increase or diminution ; to be paid out of the federal treasury ; to be incapable of holding any other office or appointment during their time of service, and for        years thereafter ; to be ineligible a second time, and removable on impeachment and conviction for malpractices or neglect of duty, by Congress, on application by a majority of the executives of the several states. That the executive, besides a general authority to execute the federal acts, ought to appoint all federal officers not otherwise provided for, and to direct all military operations ; provided, that none of the persons composing the federal executive shall, on any occasion, take command of any troops, so as personally to conduct any military enterprise as general or in any other capacity.

5. Resolved, That a federal judiciary be established, to consist of a supreme tribunal, the judges of which to be appointed by the executive, and to hold their offices during good behaviour ; to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution. That the judiciary, so established, shall have authority to hear and determine, in the first instance, on all impeachments of federal officers ; and by way of appeal, in the dernier resort, in all cases touching the rights and privileges of ambassadors ; in all cases of captures from an enemy ; in all cases of piracies and felonies on the high seas ; in

all cases in which foreigners may be interested, in the construction of any treaty or treaties, or which may arise on any act or ordinance of Congress for the regulation of trade, or the collection of the federal revenue. That none of the judiciary officers shall, during the time they remain in office, be capable of receiving or holding any other office or appointment during their term of service, or for                    thereafter.

6. Resolved, That the legislative, executive, and judiciary powers within the several states, ought to be bound, by oath, to support the articles of union.

7. Resolved, That all acts of the United States in Congress assembled, made by virtue and in pursuance of the powers hereby vested in them, and by the articles of the confederation, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, as far as those acts or treaties shall relate to the said states, or their citizens; and that the judiciaries of the several states shall be bound thereby in their decisions, any thing in the respective laws of the individual states to the contrary notwithstanding.

And if any state, or any body of men in any state, shall oppose or prevent the carrying into execution such acts or treaties, the federal executive shall be authorised to call forth the powers of the confederated states, or so much thereof as may be necessary, to enforce and compel an obedience to such acts, or an observance of such treaties.

8. Resolved, That provision ought to be made for the admission of new states into the union.

9. Resolved, That provision ought to be made for hearing and deciding upon all disputes arising between

the United States and an individual state, respecting territory.

10. Resolved, That the rule for naturalization ought to be the same in every state.

11. Resolved, That a citizen of one state, committing an offence in another state, shall be deemed guilty of the same offence as if it had been committed by a citizen of the state in which the offence was committed.

It was moved by Mr. Madison, seconded by Mr. Sherman, to refer the resolutions, offered by Mr. Patterson, to a committee of the whole house.

Which passed in the affirmative.

It was moved by Mr. Rutledge, seconded by Mr. Hamilton, to recommit the resolutions reported from a committee of the whole house.

Which passed in the affirmative.

Resolved, That this house will to-morrow resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### SATURDAY, JUNE 16, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.

## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

After some time passed in debate on the propositions offered by the honourable Mr. Patterson,

It was moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

## IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That this house will, on Monday next, again resolve itself into a committee of the whole house, to consider of the state of the American union.

And then the house adjourned till Monday next, at 11 o'clock, A. M.

## MONDAY, JUNE 18, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.



## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

It was moved by Mr. Dickinson, seconded by to postpone the consideration of the first resolution submitted by Mr. Patterson, in order to introduce the following, namely,

“Resolved, That the articles of confederation ought  
“to be revised and amended, so as to render the go-  
“vernment of the United States adequate to the exi-  
“gencies, the preservation, and the prosperity of the  
“union.”

And on the question to agree to the same,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - 10

DIVIDED—Pennsylvania - - - - 1

[See col. Hamilton’s plan on the next page.]

It was then moved and seconded, that the committee do now rise, report a further progress, and request leave to sit again.

The committee then rose.

## IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee had made a further progress in the matter to them referred; and had directed him to move that they may have leave to sit again.

Resolved, That the house will to-morrow again resolve itself into a committee of the whole house to consider of the state of the American union.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

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### COL. HAMILTON'S PLAN OF GOVERNMENT.

THE FOLLOWING PAPER WAS READ BY COL. HAMILTON, AS CONTAINING HIS IDEAS OF A SUITABLE PLAN OF GOVERNMENT FOR THE UNITED STATES, IN A SPEECH UPON THE FOREGOING MOTION OF MR. DICKINSON.\*

1. The supreme legislative power of the United States of America to be vested in two distinct bodies of men, the one to be called the assembly, the other the senate, who, together, shall form the legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.

2. The assembly to consist of persons elected by the people, to serve for three years.

3. The senate to consist of persons elected to serve during good behaviour; their election to be made by electors chosen for that purpose by the people. In order to this, the states to be divided into election districts. On the death, removal, or resignation of any senator, his place to be filled out of the district from which he came.

4. The supreme executive authority of the United

\* Paper furnished by general Bloomfield.

States to be vested in a governour, to be elected to serve during good behaviour. His election to be made by electors, chosen by electors, chosen by the people in the election districts aforesaid. His authorities and functions to be as follows :—

To have a negative upon all laws about to be passed, and the execution of all laws passed ; to have the entire direction of war, when authorized, or begun ; to have, with the advice and approbation of the senate, the power of making all treaties ; to have the sole appointment of the heads or chief officers of the departments of finance, war, and foreign affairs ; to have the nomination of all other officers, (ambassadors to foreign nations included) subject to the approbation or rejection of the senate ; to have the power of pardoning all offences, except treason, which he shall not pardon, without the approbation of the senate.

5. On the death, resignation, or removal of the governour, his authorities to be exercised by the president of the senate, until a successor be appointed.

6. The senate to have the sole power of declaring war ; the power of advising and approving all treaties ; the power of approving or rejecting all appointments of officers, except the heads or chiefs of the departments of finance, war, and foreign affairs.

7. The supreme judicial authority of the United States to be vested in judges, to hold their offices during good behaviour, with adequate and permanent salaries. This court to have original jurisdiction in all causes of capture ; and an appellate jurisdiction in all causes, in which the revenues of the general government, or the citizens of foreign nations, are concerned.

8. The legislature of the United States to have power to institute courts in each state, for the determination of all matters of general concern.

9. The governours, senators, and all officers of the United States to be liable to impeachment for mal and corrupt conduct ; and, upon conviction, to be removed from office, and disqualified for holding any place of trust, or profit. All impeachments to be tried by a court to consist of the chief, or senior judge of the superior court of law in each state ; provided, that such judge hold his place during good behaviour, and have a permanent salary.

10. All laws of the particular states, contrary to the constitution or laws of the United States, to be utterly void. And the better to prevent such laws being passed, the governour or president of each state shall be appointed by the general government, and shall have a negative upon the laws about to be passed in the state of which he is governour, or president.

11. No state to have any forces, land or naval ; and the militia of all the states to be under the sole and exclusive direction of the United States ; the officers of which to be appointed and commissioned by them.

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TUESDAY, JUNE 19, 1787.

The order of the day being read,

The house resolved itself into a committee of the whole house to consider of the state of the American union.

Mr. President left the chair.



## IN COMMITTEE OF THE WHOLE HOUSE.

Mr. Gorham in the chair.

On a question to adopt Mr. Dickinson's motion,  
moved yesterday,

It passed in the negative.

YEAS—Connecticut, New York, New Jersey, Delaware - - - - - 4

NAYS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - - - 6

DIVIDED—Maryland - - - - - 1

It was then moved and seconded to postpone the consideration of the first proposition offered by Mr. Patterson.

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 9

NAYS—New York, New Jersey - - - - - 2

It was then moved and seconded, that the committee do now rise; and report to the house that they do not agree to the propositions offered by the honourable Mr. Patterson; and that they report the resolutions offered by the honourable Mr. Randolph, heretofore reported from a committee of the whole house.

Passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - - - 7

NAYS—New York, New Jersey, Delaware - - - - - 3

DIVIDED—Maryland - - - - - 1

The committee then rose.

## IN THE HOUSE.

Mr. President resumed the chair.

Mr. Gorham reported from the committee,

That the committee, having spent some time in the consideration of the propositions submitted to the house by the honourable Mr. Patterson, and of the resolutions heretofore reported from a committee of the whole house, both of which had been to them referred, were prepared to report thereon ; and had directed him to report to the house,

That the committee do not agree to the propositions offered by the honourable Mr. Patterson ; and that they again submit the resolutions, formerly reported, to the consideration of the house.

## STATE OF THE RESOLUTIONS

SUBMITTED TO THE CONSIDERATION OF THE HOUSE  
BY THE HONOURABLE MR. RANDOLPH, AS ALTERED,  
AMENDED, AND AGREED TO, IN COMMITTEE OF THE  
WHOLE HOUSE.\*

1. Resolved, That it is the opinion of this committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.

2. Resolved, That the national legislature ought to consist of two branches.

\* Paper deposited by President Washington in the Department of State.

3. Resolved, That the members of the first branch of the national legislature ought to be elected by the people of the several states for the term of three years ; to receive fixed stipends, by which they may be compensated for the devotion of their time to publick service, to be paid out of the national treasury ; to be ineligible to any office established by a particular state, or under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service, and under the national government, for the space of one year after its expiration.

4. Resolved, That the members of the second branch of the national legislature ought to be chosen by the individual legislatures ; to be of the age of thirty years at least ; to hold their offices for a term sufficient to insure their independency, namely, seven years ; to receive fixed stipends, by which they may be compensated for the devotion of their time to publick service, to be paid out of the national treasury ; to be ineligible to any office, established by a particular state, or under the authority of the United States, (except those peculiarly belonging to the functions of the second branch) during the term of service, and under the national government, for the space of one year after its expiration.

5. Resolved, That each branch ought to possess the right of originating acts.

6. Resolved, That the national legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation ; and, moreover, to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United

States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several states contravening, in the opinion of the national legislature, the articles of union, or any treaties subsisting under the authority of the union.

7. Resolved, That the right of suffrage in the first branch of the national legislature ought not to be according to the rule established in the articles of confederation, but according to some equitable ratio of representation, namely, In proportion to the whole number of white and other free citizens, and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each state.

8. Resolved, That the rights of suffrage in the second branch of the national legislature ought to be according to the rule established for the first.

9. Resolved, That a national executive be instituted to consist of a single person; to be chosen by the national legislature, for the term of seven years; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment, and conviction of mal practice, or neglect of duty; to receive a fixed stipend, by which he may be compensated for the devotion of his time to publick service, to be paid out of the national treasury.

10. Resolved, That the national executive shall have a right to negative any legislative act, which



shall not be afterwards passed, unless by two third parts of each branch of the national legislature.

11. Resolved, That a national judiciary be established to consist of one supreme tribunal; the judges of which to be appointed by the second branch of the national legislature; to hold their offices during good behaviour; to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution.

12. Resolved, That the national legislature be empowered to appoint inferior tribunals.

13. Resolved, That the jurisdiction of the national judiciary shall extend to cases which respect the collection of the national revenue; impeachment of any national officers; and questions which involve the national peace and harmony.

14. Resolved, That provision ought to be made for the admission of states, lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

15. Resolved, That provision ought to be made for the continuance of Congress and their authorities, until a given day after the reform of the articles of union shall be adopted; and for the completion of all their engagements.

16. Resolved, That a republican constitution, and its existing laws, ought to be guarantied to each state by the United States.

17. Resolved, That provision ought to be made for the amendment of the articles of union, whensoever it shall seem necessary.

18. Resolved, That the legislative, executive, and judiciary powers, within the several states, ought to be bound, by oath, to support the articles of union.

19. Resolved, That the amendments which shall be offered to the confederation by the convention, ought, at a proper time, or times, after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon.

It was then moved and seconded, to postpone the consideration of the first resolution reported from the committee till to-morrow.

And on the question to postpone,

It passed in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### WEDNESDAY, JUNE 20, 1787.

The honourable William Blount, Esq. a deputy from the state of North Carolina, attended and took his seat.

The following credentials were then produced and read. [See p. 45.]

It was moved by Mr. Ellsworth, seconded by Mr. Gorham, to amend the first resolution reported from the committee of the whole house, so as to read as follows, namely,

“Resolved, That the government of the United States  
ought to consist of a supreme legislative, judiciary,  
and executive.”

On the question to agree to the amendment,  
It passed unanimously in the affirmative.

It was moved by Mr. Lansing, seconded by Mr.  
Sherman, to postpone the consideration of the second  
resolution, reported from the committee, in order to  
take up the following, namely,

“Resolved, That the powers of legislation be vest-  
ed in the United States in Congress.”

And on the question to postpone,

It passed in the negative.

YEAS—Connecticut, New York, New Jersey,  
Delaware - - - - 4

NAYS—Massachusetts, Pennsylvania, Virginia,  
North Carolina, South Carolina, Georgia - 6

DIVIDED—Maryland - - - 1

It was moved and seconded to adjourn—

Which passed in the negative.

YEAS—New York, New Jersey, Delaware, Mary-  
land - - - - 4

NAYS—Massachusetts, Connecticut, Pennsylvania,  
Virginia, North Carolina, South Carolina, Georgia 7

On motion of the deputies of the state of Delaware,  
the determination of the house on the second resolu-  
tion reported from the committee was postponed until  
to-morrow.

And then the house adjourned till to-morrow, at  
11 o'clock, A. M.

## THURSDAY, JUNE 21, 1787.

The honourable Jonathan Dayton, Esq. a deputy of the state of New Jersey, attended and took his seat.

The following credentials were produced and read.  
[See p. 27.]

It was moved and seconded, to agree to the second resolution reported from the committee, namely,

“ Resolved, That the legislature consist of two  
“ branches”—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, New Jersey, Delaware 3

DIVIDED—Maryland - - - - 1

It was moved by general C. C. Pinckney, and seconded, to amend the first clause of the third resolution reported from the committee, so as to read,

“ Resolved, That the members of the first branch of  
“ the legislature ought to be appointed in such man-  
“ ner as the legislature of each state shall direct.”

On the question to agree to the amendment,

It passed in the negative.

YEAS—Connecticut, New Jersey, Delaware, South  
Carolina - - - - 4

NAYS—Massachusetts, New York, Pennsylvania,  
Virginia, North Carolina, Georgia - - - 6

DIVIDED—Maryland - - - - 1

It was then moved and seconded to agree to the first clause of the third resolution, as reported from the committee, namely,



“ Resolved, That the members of the first branch of  
 “ the legislature ought to be elected by the people of  
 “ the several states”—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York,  
 Pennsylvania, Delaware, Virginia, North Carolina,  
 South Carolina, Georgia - - - 9

NAY—New Jersey - - - 1

DIVIDED—Maryland - - - 1

It was moved and seconded to erase the word  
 “ three,” from the second clause of the third resolu-  
 tion, reported from the committee—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
 Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, Delaware, Maryland - - - 3

DIVIDED—New Jersey - - - 1

It was moved and seconded to insert the word  
 “ two,” in the second clause of the third resolution,  
 reported from the committee—

Which passed unanimously in the affirmative.

And then the house adjourned till to-morrow, at 11  
 o'clock, A. M.

## FRIDAY, JUNE 22, 1817.

It was moved and seconded to strike out the third  
 clause in the third resolution, reported from the com-  
 mittee, namely,

“ To receive fixed stipends, by which they may be  
 “ compensated for the devotion of their time to pub-  
 “ lick service ;”

And to substitute,

“ Their stipends to be ascertained by the legislature, to be paid out of the publick treasury.”

On the question being put,

It passed in the negative.

YEAS—New Jersey, Pennsylvania - 2

NAYS—Massachusetts, Connecticut, Delaware, Maryland, Virginia, North Carolina, South Carolina 7

DIVIDED—New York, Georgia - 2

It was moved and seconded to strike the following words out of the fourth clause in the third resolution, reported from the committee, namely,

“ To be paid out of the publick treasury.”

On the question to strike out the words,

It passed in the negative.

YEAS—Massachusetts, Connecticut, North Carolina, South Carolina - - 4

NAYS—New Jersey, Pennsylvania, Delaware, Maryland, Virginia - - - 5

DIVIDED—New York, Georgia - 2

It was moved and seconded to strike the following words out of the third resolution, reported from the committee, namely,

“ To receive fixed stipends by which they may be compensated for the devotion of their time to publick service ;”

And to substitute the following clause, namely,

“ To receive an adequate compensation for their services.”

On the question to agree to the amendment,

It passed unanimously in the affirmative.

It was then moved and seconded to take the vote of the house on the whole proposition, namely,

“ To receive an adequate compensation for their services, to be paid out of the publick treasury.”

An objection of order being taken to this motion, it was submitted to the house.

And on the question, Is the motion in order ?

It passed in the affirmative.

YEAS—Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina 6

NAYS—New York, Pennsylvania, Virginia, Georgia 4

DIVIDED—Massachusetts - - - 1

The determination of the house on the whole proposition was, on motion of the deputies of the state of South Carolina, postponed till to-morrow.

It was moved and seconded to add the following clause to the third resolution,

“ To be of the age of twenty-five years at least”—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina 7

NAYS—Massachusetts, Pennsylvania, Georgia 3

DIVIDED—New York - - - 1

It was moved and seconded to strike out the following words in the last clause of the third resolution,

“ And under the national government for the space of one year after its expiration.”

On the question to strike out the words,

It passed in the negative.

YEAS—Massachusetts, New Jersey, North Carolina, Georgia - - - 4

NAYS—Connecticut, Maryland, Virginia, South Carolina - - - 4

DIVIDED—New York, Pennsylvania, Delaware 3

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### SATURDAY, JUNE 23, 1787.

It was moved and seconded to agree to the proposition, which was postponed yesterday, on motion of the deputies of the state of South Carolina, namely,

“To receive an adequate compensation for their services, to be paid out of the publick treasury.”

On the question to agree to the proposition,  
It passed in the negative.

YEAS—Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia - - - 5

NAYS—Connecticut, New York, Delaware, North Carolina, South Carolina - - - 5

DIVIDED—Georgia - - - 1

It was moved and seconded to strike out the following words in the third resolution reported from the committee, namely,

“By a particular state.”

On the question to strike out the words,  
It passed in the affirmative.

YEAS—Connecticut, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 8

NAYS—Massachusetts, Pennsylvania, Delaware 3

It was moved by Mr. Madison, and seconded, to amend the third resolution by striking out the following words, namely,

“Or under the authority of the United States, during the term of service, and under the national government for the space of one year after its expiration ;”



And inserting the following clause, after the word  
 “established,” namely,

“Or the emoluments whereof shall have been augmented by the legislature of the United States during the time of their being members thereof, and until they shall have ceased to be members for the space of one year.”

On the question to agree to the amendment,

It passed in the negative.

YEAS—Connecticut, New Jersey - 2

NAYS—New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 8

DIVIDED—Massachusetts - 1

It was moved and seconded to add after the words  
 “ineligible to,” the words “and incapable of holding”—

Which passed in the affirmative.

It was moved and seconded to strike the words  
 “national government,” out of the third resolution—

Which passed in the affirmative.

YEAS—Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina - 8

NAYS—Pennsylvania, Georgia - 2

DIVIDED—Massachusetts - 1

It was moved and seconded to strike the word  
 “established,” out of the third resolution—

Which passed in the affirmative.

It was moved and seconded to add after the word  
 “service,” in the third resolution, the words, “of the first branch”—

Which passed in the affirmative.

It was then moved and seconded to agree to the words,

“ And for the space of one year after its expiration.”

On the question to agree to these words,

It passed in the negative.

YEAS—New York, Delaware, Maryland, South Carolina - - - - 4

NAYS—Massachusetts, Connecticut, New Jersey, Virginia, North Carolina, Georgia - 6

DIVIDED—Pennsylvania - - - 1

And then the house adjourned till Monday next, at 11 o'clock, A. M.

#### MONDAY, JUNE 25, 1787.

It was moved and seconded to erase the word “ national,” and to substitute the words “ United States,” in the fourth resolution—

Which passed in the affirmative.

It was moved and seconded to postpone the consideration of the first clause of the fourth resolution, in order to take up the eighth resolution reported from the committee.

On the question to postpone,

It passed in the negative.

YEAS—New York, Virginia, South Carolina, Georgia - - - - 4

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina 7

It was moved and seconded to postpone the consideration of the fourth, in order to take up the seventh resolution.

On the question to postpone,

It passed in the negative.

YEAS—Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 5

NAYS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware - 6

It was moved and seconded to agree to the first clause of the fourth resolution, namely,

“Resolved, That the members of the second branch of the legislature of the United States ought to be chosen by the individual legislatures.”

On the question to agree,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - 9

NAYS—Pennsylvania, Virginia - 2

It was moved and seconded to agree to the second clause of the fourth resolution, namely,

“To be of the age of thirty years at least”—

Which passed unanimously in the affirmative.

It was moved and seconded to erase the words, “sufficient to insure their independency,” from the third clause of the fourth resolution—

Which passed in the affirmative.

YEAS—Connecticut, New York, New Jersey, Pennsylvania, Delaware, South Carolina, Georgia 7

NAYS—Massachusetts, Maryland, Virginia, North Carolina - - - 4

It was moved and seconded to add, after the words “seven years,” in the fourth resolution, the words, “to go out in fixed proportions.”

It was moved and seconded to insert the word “six,” instead of “seven.”

It was moved and seconded to amend the clause so as to read, "for four years, one fourth to go out annually."

No determination being taken on the three last motions ; it was moved and seconded to erase the word "seven," from the third clause of the fourth resolution—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, New Jersey, North Carolina, South Carolina, Georgia 7

NAYS—Pennsylvania, Delaware, Virginia 3

DIVIDED—Maryland - - - 1

It was moved and seconded to fill up the blank in the third clause of the fourth resolution with the word "six"—

Which passed in the negative.

YEAS—Connecticut, Pennsylvania, Delaware, Virginia, North Carolina - - - 5

NAYS—Massachusetts, New York, New Jersey, South Carolina, Georgia - - - 5

DIVIDED—Maryland - - - 1

It was moved and seconded to adjourn.

Passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Virginia - - - 5

NAYS—Massachusetts, New York, North Carolina, South Carolina, Georgia - - - 5

DIVIDED—Maryland - - - 1

It was moved and seconded to fill up the blank in the third clause of the fourth resolution with the word "five"—

Which passed in the negative.

YEAS—Connecticut, Pennsylvania, Delaware, Virginia, North Carolina - - - 5



NAYS—Massachusetts, New York, New Jersey,  
South Carolina, Georgia - - - 5

DIVIDED—Maryland 1

It was moved and seconded to adjourn.

Passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina 7

NAYS—New York, New Jersey, South Carolina,  
Georgia - - - - - 4

And then the house adjourned till to-morrow, at 11  
o'clock, A. M.

## TUESDAY, JUNE 26, 1787.

It was moved and seconded to amend the third  
clause of the fourth resolution, reported from the com-  
mittee, so as to read as follows, namely,

“For nine years, one third to go out triennially”—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Virginia 3

NAYS—Massachusetts, Connecticut, New York, New  
Jersey, Maryland, North Carolina, South Carolina,  
Georgia - - - - - 8

It was then moved and seconded to amend the  
third clause of the fourth resolution so as to read,

“For six years, one third to go out biennially.”

On the question to agree to the amendment,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina 7

NAYS—New York, New Jersey, South Carolina,  
Georgia - - - - - 4

It was moved and seconded to strike the following clause out of the fourth resolution,

“ To receive fixed stipends by which they may be  
“ compensated for the devotion of their time to publick  
“ service.”

The question to strike out, passed in the negative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Maryland, South Carolina - - - 5

NAYS—New York, New Jersey, Delaware, Vir-  
ginia, North Carolina, Georgia - - - 6

It was moved and seconded to amend the fourth clause of the fourth resolution, so as to read,

“ To receive a compensation for the devotion of  
“ their time to the publick service”—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York,  
New Jersey, Pennsylvania, Delaware, Maryland, Vir-  
ginia, North Carolina, Georgia - - - 10

NAY—South Carolina - - - 1

It was moved and seconded to erase the following words from the fourth resolution, namely,

“ Out of the national treasury ;”

And to substitute the following, namely,

“ By their respective states”—

Which passed in the negative.

YEAS—Connecticut, New York, New Jersey, South  
Carolina, Georgia - - - 5

NAYS—Massachusetts, Pennsylvania, Delaware,  
Maryland, Virginia, North Carolina - - - 6

It was moved and seconded to agree to the follow-  
ing clause in the fourth resolution, namely,

“ To be paid out of the publick treasury”—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania, Delaware, Maryland, Virginia - - - 5

NAYS—Connecticut, New York, New Jersey, North Carolina, South Carolina, Georgia - 6

It was moved and seconded to postpone the consideration of the last clause in the fourth resolution, as reported from the committee, in order to take up the following proposition, offered by Mr. Williamson, as a substitute, namely,

“ To be ineligible to, and incapable of, holding any  
“ office, under the authority of the United States, ex-  
“ cept those peculiarly belonging to the functions of  
“ the second branch, during the term for which they  
“ are elected.”

On the question to postpone,

It passed in the affirmative.

YEAS—Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - 6

NAYS—Massachusetts, New York, New Jersey, South Carolina, Georgia - - 5

It was then moved and seconded to add after the word “ elected,” the words “ and for one year there-  
“ after”—

Which passed in the affirmative.

YEAS—Connecticut, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina 7

NAYS—Massachusetts, New Jersey, Pennsylvania, Georgia - - - 4

It was then moved and seconded to agree to the proposition as amended, namely,

“ To be ineligible to, and incapable of holding any  
“ office under the authority of the United States, ex-

“cept those peculiarly belonging to the functions of  
 “the second branch, during the term for which they  
 “are elected, and for one year thereafter”—

Which passed unanimously in the affirmative.

It was moved and seconded to add the following  
 clause to the fourth resolution, namely,

“And to be ineligible and incapable of holding any  
 “office under a particular state”—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania, Virginia 3

NAYS—Connecticut, New York, New Jersey, Dela-  
 ware, Maryland, North Carolina, South Carolina,  
 Georgia - - - - 8

It was moved and seconded to agree to the fifth re-  
 solution reported from the committee, namely,

“Resolved, That each branch ought to possess the  
 “right of originating acts”—

Which passed unanimously in the affirmative.

And then the house adjourned till to-morrow, at 11  
 o'clock, A. M.

### WEDNESDAY, JUNE 27, 1787.

It was moved and seconded to postpone the conside-  
 ration of the sixth resolution reported from the com-  
 mittee, in order to take up the seventh and eighth reso-  
 lutions.

On the question to postpone,

It passed in the affirmative.

It was moved and seconded to agree to the first  
 clause of the seventh resolution, namely,

“Resolved, That the right of suffrage in the first  
 “branch of the national legislature ought not to be



“ according to the rule established in the articles of  
“ confederation.”

Before a determination was taken on the clause,  
the house adjourned till to-morrow, at 11 o'clock,  
A. M.

### THURSDAY, JUNE 28, 1787.

It was moved and seconded to amend the seventh  
resolution reported from the committee, so as to read  
as follows, namely,

“ Resolved, That the right of suffrage in the first  
“ branch of the legislature of the United States ought  
“ to be in proportion to the whole number of white  
“ and other free citizens and inhabitants of every age,  
“ sex, and condition, including those bound to servi-  
“ tude for a term of years, and three fifths of all other  
“ persons not comprehended in the foregoing descrip-  
“ tion, except Indians, not paying taxes in each  
“ state.”

It was moved and seconded to erase the word “ not,”  
from the first clause of the seventh resolution, so as to  
read,

“ Resolved, That the right of suffrage in the second  
“ branch of the legislature of the United States ought  
“ to be according to the rule established in the arti-  
“ cles of confederation.”

The determination of the house on the motion for  
erasing the word “ not,” from the first clause of the  
seventh resolution, was postponed, at the request of the  
deputies of the state of New York, till to-morrow.

And then the house adjourned till to-morrow, at 11  
o'clock, A. M.

## FRIDAY, JUNE 29, 1787.

It was moved and seconded to strike the word "not," out of the first clause of the seventh resolution reported from the committee.

On the question to strike out,

It passed in the negative.

YEAS—Connecticut, New York, New Jersey, Delaware - - - - 4

NAYS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - 6

DIVIDED—Maryland - - - - 1

It was moved and seconded to agree to the first clause of the seventh resolution, as reported from the committee, namely,

"Resolved, That the right of suffrage in the first  
"branch of the legislature of the United States ought  
"not to be according to the rule established in the  
"articles of confederation, but according to some equitable ratio of representation.

On the question to agree,

It passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - 6

NAYS—Connecticut, New York, New Jersey, Delaware - - - - 4

DIVIDED—Maryland - - - - 1

It was moved and seconded to postpone the further consideration of the seventh, in order to take up the eighth resolution—

Which passed in the affirmative.

YEAS—Connecticut, New York, New Jersey, Penn-

sylvania, Maryland, Virginia, North Carolina, South  
Carolina, Georgia - - - 9

NAYS—Massachusetts, Delaware - 2

It was moved and seconded to amend the eighth resolution reported from the committee, so as to read as follows, namely,

“Resolved, That in the second branch of the legislature of the United States, each state shall have an equal vote.”

Before the determination of the house was taken on the last motion, the house adjourned till to-morrow, at 11 o'clock, A. M.

### SATURDAY, JUNE 30, 1787.

The following resolution was moved and seconded, namely,

“Resolved, That the President be requested to write to the supreme executive of the state of New Hampshire, and inform him that the business before the convention is of such a nature as to require the immediate attendance of the gentlemen appointed by that state to this convention.”

On the question to agree to this resolution,

It passed in the negative.

YEAS—New York, New Jersey - 2

NAYS—Massachusetts, Connecticut, Virginia, North Carolina, South Carolina - 5

DIVIDED—Maryland - 1

It was then moved and seconded to take up the resolution submitted to the consideration of the house yesterday, namely,

“Resolved, That in the second branch of the legis-

“ lature of the United States, each state shall have an  
“ equal vote.”

After some time passed in debate, the house voted  
unanimously to adjourn till Monday next, at 11 A. M.

### MONDAY, JULY 2, 1787.

It was moved and seconded to agree to the following resolution, namely,

“ Resolved, That in the second branch of the legis-  
“ lature of the United States, each state shall have an  
“ equal vote”—

Which passed in the negative.

YEAS—Connecticut, New York, New Jersey, Dela-  
ware, Maryland - - - 5

NAYS—Massachusetts, Pennsylvania, Virginia, North  
Carolina, South Carolina - - - 5

DIVIDED—Georgia - - - 1

It was moved and seconded to appoint a committee,  
to whom the eighth resolution, and so much of the  
seventh resolution, reported from the committee of the  
whole house, as has not been decided upon, should  
be referred.

On the question to agree to this motion,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York,  
Pennsylvania, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

NAYS—New Jersey, Delaware - - - 2

It was moved and seconded that the committee con-  
sist of a member from each state.

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New York, New



Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

NAY—Pennsylvania - - - 1

And a committee by ballot was appointed, of Mr. Gerry, Mr. Ellsworth, Mr. Yates, Mr. Patterson, Mr. Franklin, Mr. Bedford, Mr. L. Martin, Mr. Mason, Mr. Davie, Mr. Rutledge, and Mr. Baldwin.

And then the house adjourned till Thursday next, at 11 o'clock, A. M.

### THURSDAY, JULY 5, 1787.

The honourable Mr. Gerry reported from the committee, to whom were referred the eighth resolution, and such part of the seventh resolution as had not already been decided on by the house, that the committee had directed him to submit the following report to the consideration of the house; and the same being delivered in at the Secretary's table, was read once throughout, and then by paragraphs, and is as follows, namely,

THE committee, to whom were referred the eighth resolution reported from the committee of the whole house, and so much of the seventh as hath not been decided on, submit the following report :

That the subsequent propositions be recommended to the convention, on condition that both shall be generally adopted.

“ 1. That in the first branch of the legislature,  
 “ each of the states now in the union be allowed one  
 “ member for every forty thousand inhabitants of the  
 “ description reported in the seventh resolution of the  
 “ committee of the whole house—that each state not

“ containing that number shall be allowed one member  
 “ —that all bills for raising or appropriating money,  
 “ and for fixing the salaries of the officers of the go-  
 “ vernment of the United States, shall originate in the  
 “ first branch of the legislature, and shall not be al-  
 “ tered, or amended, by the second branch—and,  
 “ that no money shall be drawn from the publick  
 “ treasury, but in pursuance of appropriations to be  
 “ originated by the first branch.

“ 2. That in the second branch of the legislature,  
 “ each state shall have an equal vote.”

It was moved and seconded to postpone the consi-  
 deration of the first proposition contained in the re-  
 port, in order to take up the second.

On the question to postpone,

It passed in the negative.

YEAS—New York, South Carolina - 2

NAYS—Massachusetts, Connecticut, Pennsylvania,  
 Delaware, Maryland, Virginia, North Carolina, Geor-  
 gia - - - - - 8

It was then moved by Mr. Rutledge, and seconded,  
 to postpone the first clause of the report, in order to  
 take up the following, namely,

“ That the suffrages of the several states be regu-  
 “ lated and proportioned according to the sums to be  
 “ paid towards the general revenue by the inhabitants  
 “ of each state, respectively—that an apportionment  
 “ of suffrages, according to the ratio aforesaid, shall  
 “ be made and regulated at the end of                years  
 “ from the first meeting of the legislature of the United  
 “ States, and so from time to time at the end of every  
 “                years thereafter; but that for the pre-

“ sent, and until the period first above mentioned,  
 “ shall have one suffrage,” &c.\*

And on the question to postpone,

\* The two following statements are among the papers of Mr. Brearly, furnished by general Bloomfield. They have apparently reference to this resolution.

States.	No. of Whites.	No. of Blacks.
New Hampshire	82,000	102,000
Massachusetts Bay	352,000	
Rhode Island	58,000	
Connecticut	202,000	
New York	238,000	
New Jersey	138,000	145,000
Pennsylvania	341,000	
Delaware	37,000	
Maryland	174,000	80,000
Virginia,	300,000	300,000
North Carolina	181,000	
South Carolina	93,000	
Georgia	27,000	

The following quotas of taxation are extracted from the printed journals of the old Congress. September 27, 1785.

	Quota of Tax.	Delegates.
Virginia	512,974	16
Massachusetts Bay	448,854	14
Pennsylvania	410,378	$12\frac{3}{4}$
Maryland	283,034	$8\frac{3}{4}$
Connecticut	264,182	8
New York	256,486	8
North Carolina	218,012	$6\frac{3}{4}$
South Carolina	192,366	6
New Jersey	166,716	5
New Hampshire	105,416	$3\frac{1}{4}$
Rhode Island	64,636	2
Delaware	44,836	$1\frac{1}{4}$
Georgia	32,060	1
	<u>3,000,000</u>	<u>90</u>

It passed in the negative.

YEA—South Carolina - - - 1

NAYS—Massachusetts, Connecticut, New York,  
Pennsylvania, Delaware, Maryland, Virginia, North  
Carolina - - - 8

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### FRIDAY, JULY 6, 1787.

It was moved and seconded to refer the first clause of the first proposition reported from the grand committee to a special committee—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New York, New Jersey, Delaware 3

DIVIDED—Maryland - - - 1

It was moved and seconded that the committee consist of five members—

Which was unanimously agreed to.

And a committee was appointed by ballot, of Mr. G. Morris, Mr. Gorham, Mr. Randolph, Mr. Rutledge, and Mr. King.

It was moved and seconded to postpone the remainder of the first proposition, in order to take up the second—

Which passed in the affirmative.

YEAS—New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia 8

NAYS—Massachusetts, Connecticut, North Carolina 3

It was moved and seconded to postpone the consideration of the second proposition—

Which passed in the affirmative.



YEAS—Connecticut, New Jersey, Delaware, Maryland, Virginia, Georgia - - 6

NAYS—Pennsylvania, North Carolina, South Carolina - - - 3

DIVIDED—Massachusetts, New York - 2

It was moved and seconded to resume the consideration of the second clause of the first proposition, which had been postponed in order to take up the second proposition—

Which passed in the affirmative.

On the question, Shall the following clause stand as a part of the report, namely,

“ 3. That all bills for raising or appropriating money, and for fixing the salaries of the officers of the government of the United States, shall originate in the first branch of the legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the publick treasury but in pursuance of appropriations to be originated by the first branch”—

It passed in the affirmative.

The votes stood thus :

YEAS—Connecticut, New Jersey, Delaware, Maryland, North Carolina - - - 5

NAYS—Pennsylvania, Virginia, South Carolina 3

DIVIDED—Massachusetts, New York, Georgia 3

And on a question moved and seconded, Whether the vote so standing was determined in the affirmative—

It was decided as follows, that it was.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia - - 9

NAYS—New York, Virginia - - 2

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### SATURDAY, JULY 7, 1787.

A letter from W. Rawle, secretary to the Library Company of Philadelphia, addressed to his excellency the President of the convention, enclosing a resolve of that company, granting the use of their books to the members of the convention—being read,

On motion,

Resolved, That the secretary, by letter, present the thanks of the convention to the directors of the Library Company for their polite attention.

It was moved and seconded, that the second proposition reported from the grand committee stand part of the report, namely,

“ That in the second branch of the legislature each state shall have an equal vote”—

Which passed in the affirmative.

YEAS—Connecticut, New York, New Jersey, Delaware, Maryland, North Carolina - 6

NAYS—Pennsylvania, Virginia, South Carolina 3

DIVIDED—Massachusetts, Georgia - 2

It was then moved and seconded to postpone the consideration of the report from the grand committee until the special committee report—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland - 6

NAYS—New York, Virginia, North Carolina, South Carolina, Georgia - - - 5

And then the house adjourned till Monday next, at 11 o'clock, A. M.

## MONDAY, JULY 9, 1787.

The honourable Daniel Carroll, Esq. one of the deputies from the state of Maryland, attended and took his seat.

The honourable Mr. G. Morris, from the committee to whom was referred the first clause of the first proposition, reported from the grand committee, informed the house, that the committee were prepared to report. He then read the report in his place; and the same being delivered in at the secretary's table, was read once throughout, and then by paragraphs; and is as follows, namely,

THE committee to whom was referred the first clause of the first proposition reported from the grand committee, beg leave to report :

“ 1. That in the first meeting of the legislature of “ the United States the first branch thereof consist of “ fifty-six members, of which number

“ New Hampshire shall have	two,
“ Massachusetts ....	seven,
“ Rhode Island ....	one,
“ Connecticut ....	four,
“ New York ....	five,
“ New Jersey ....	three,
“ Pennsylvania ....	eight,
“ Delaware ....	one,
“ Maryland ....	four,
“ Virginia ....	nine,
“ North Carolina ....	five,
“ South Carolina ....	five,
“ Georgia ....	two.

“ 2. But as the present situation of the states may  
 “ probably alter as well in point of wealth, as in the  
 “ number of their inhabitants—that the legislature  
 “ be authorized from time to time to augment the num-  
 “ ber of representatives. And in case any of the  
 “ states shall hereafter be divided, or any two or more  
 “ states united, or any new state created within the  
 “ limits of the United States, the legislature shall pos-  
 “ sess authority to regulate the number of represen-  
 “ tatives in any of the foregoing cases upon the prin-  
 “ ciples of their wealth and number of inhabitants.”

It was moved and seconded to postpone the consi-  
 deration of the first paragraph of the report, in order  
 to take up the second—

Which passed in the affirmative.

On the question to agree to the second paragraph  
 of the report,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
 Delaware, Maryland, Virginia, North Carolina, South  
 Carolina, Georgia - - - 9

NAYS—New York, New Jersey - - - 2

It was moved and seconded to refer the first para-  
 graph of the report to a committee of one member  
 from each state—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,  
 Pennsylvania, Delaware, Maryland, Virginia, North  
 Carolina, Georgia - - - 9

NAYS—New York, South Carolina - - - 2

And a committee was appointed, by ballot, of the  
 honourable Mr. King, Mr. Sherman, Mr. Yates, Mr.  
 Brearly, Mr. G. Morris, Mr. Read, Mr. Carroll, Mr.



Madison, Mr. Williamson, Mr. Rutledge, and Mr. Houstoun.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## TUESDAY, JULY 10, 1787.

The honourable Mr. King, from the grand committee to whom was referred the first paragraph of the report of a committee consisting of Mr. G. Morris, Mr. Gorham, Mr. Randolph, Mr. Rutledge, and Mr. King, informed the house that the committee were prepared to report. He then read the report in his place; and the same being delivered in, at the secretary's table, was again read, and is as follows, namely,

“ THAT in the original formation of the legislature of the United States, the first branch thereof shall consist of sixty-five members, of which number

“ New Hampshire	shall send	three,
“ Massachusetts	....	eight,
“ Rhode Island	....	one,
“ Connecticut	....	five,
“ New York	....	six,
“ New Jersey	....	four,
“ Pennsylvania	....	eight,
“ Delaware	....	one,
“ Maryland	....	six,
“ Virginia	....	ten,
“ North Carolina	....	five,
“ South Carolina	....	five,
“ Georgia	....	three.”

It was moved and seconded to amend the report by striking out the word "three," in the apportionment of representation to New Hampshire, and inserting the word "two"—

Which passed in the negative.

YEAS—South Carolina, Georgia - 2

NAYS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - 9

It was moved and seconded to amend the report by striking out the word "five," in the apportionment of representation to North Carolina, and inserting the word "six"—

Which passed in the negative.

YEAS—North Carolina, South Carolina, Georgia 3

NAYS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia 8

It was moved and seconded to amend the report by striking out the word "five," in the apportionment of representation to South Carolina, and inserting the word "six"—

Which passed in the negative.

YEAS—Delaware, North Carolina, South Carolina, Georgia - 4

NAYS—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia 7

It was moved and seconded to amend the report by striking out the word "three," in the apportionment of representation to Georgia, and inserting the word "four"—

Which passed in the negative.

YEAS—Virginia, North Carolina, South Carolina, Georgia - 4

**NAYS**—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland 7

It was moved and seconded to double the number of representatives, in the first branch of the legislature of the United States, apportioned by the report of the grand committee to each state—

Which passed in the negative.

**YEAS**—Delaware, Virginia - - - 2

**NAYS**—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, North Carolina, South Carolina, Georgia - - - 9

On the question to agree to the report of the grand committee,

It passed in the affirmative.

**YEAS**—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - 9

**NAYS**—South Carolina, Georgia - - - 2

It was moved and seconded to add the following amendments after the second paragraph of the report from the committee consisting of Mr. Morris, Mr. Gorham, Mr. Randolph, Mr. Rutledge, and Mr. King:

“ That, in order to ascertain alterations in the population and wealth of the states, the legislature of the United States be required to cause a proper census and estimate to be taken once in every term of years.”

It was moved and seconded to postpone the consideration of the last motion, in order to take up the following, namely,

“ That the committee of eleven, to whom was referred the report of the committee of five on the subject of representation, be requested to furnish

“ the convention with principles on which they ground-  
 “ ed the report”—

Which passed in the negative.

YEA—South Carolina - - - 1

NAYS—Massachusetts, Connecticut, New York,  
 New Jersey, Pennsylvania, Delaware, Maryland, Vir-  
 ginia, North Carolina, Georgia . . . 10

And then the house adjourned till to-morrow, at  
 11 o'clock, A. M.

### WEDNESDAY, JULY 11, 1787.

The amendment offered to the second paragraph of  
 the report from the committee, consisting of Mr. G.  
 Morris, Mr. Gorham, Mr. Randolph, Mr. Rutledge,  
 and Mr. King, being withdrawn—

It was moved by Mr. Williamson, and seconded, to  
 substitute the following resolution, namely,

“ Resolved, That in order to ascertain the altera-  
 “ tions that may happen in the population and wealth  
 “ of the several states, a census shall be taken of the  
 “ free inhabitants of each state, and three fifths of the  
 “ inhabitants of other description, on the first year  
 “ after this form of government shall have been adopt-  
 “ ed. And afterwards on every term of years ;  
 “ and the legislature shall alter or augment the rep-  
 “ resentation accordingly.”

It was moved and seconded to strike out the words  
 “ three fifths of”—

Which passed in the negative.

YEAS—Delaware, South Carolina, Georgia 3

NAYS—Massachusetts, Connecticut, New Jersey,  
 Pennsylvania, Maryland, Virginia, North Carolina 7



It was moved by Mr. Rutledge, and seconded, to postpone the consideration of the resolution proposed, in order to take up the following, namely,

“ Resolved, That at the end of                      years from  
 “ the meeting of the legislature of the United States,  
 “ and at the expiration of every                      years there-  
 “ after, the legislature of the United States be required  
 “ to apportion the representation of the several states,  
 “ according to the principles of their wealth and  
 “ population.”

On the question to postpone,

It passed in the negative.

YEAS—Massachusetts, Pennsylvania, Delaware,  
 South Carolina, Georgia                      -                      -                      5

NAYS—Connecticut, New Jersey, Maryland, Vir-  
 ginia, North Carolina                      -                      -                      5

It was moved and seconded to agree to the first clause of the resolution, namely,

“ That in order to ascertain the alterations that may  
 “ happen in the population and wealth of the several  
 “ states, a census shall be taken of the free inhabi-  
 “ tants of each state”—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,  
 Pennsylvania, Virginia, North Carolina                      -                      6

NAYS—Delaware, Maryland, South Carolina, Geor-  
 gia                      -                      -                      -                      -                      4

It was moved and seconded to adjourn.

Passed in the negative.

YEA—Pennsylvania                      -                      -                      1

NAYS—Massachusetts, Connecticut, New Jersey,  
 Delaware, Maryland, Virginia, North Carolina, South  
 Carolina, Georgia                      -                      -                      -                      9

It was moved and seconded to agree to the following clause of the resolution, namely,

“And three fifths of the inhabitants of other description”—

Which passed in the negative.

YEAS—Connecticut, Virginia, North Carolina, Georgia - - - 4

NAYS—Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina - 6

It was moved and seconded to agree to the following clause of the resolution, namely,

“On the first year after this form of government shall have been adopted”—

Which passed in the affirmative.

YEAS—Massachusetts, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina 7

NAYS—Connecticut, Maryland, Georgia 3

It was moved and seconded to fill up the blank with the word “fifteen”—

Which passed unanimously in the affirmative.

It was moved and seconded to add after the words “fifteen years,” the words “at least”—

Which passed in the negative.

YEAS—Massachusetts, Virginia, North Carolina, South Carolina, Georgia - - - 5

NAYS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland - - - 5

It was moved and seconded to agree to the following clause of the resolution, namely,

“And the legislature shall alter or augment the representation accordingly”—

Which passed unanimously in the affirmative.

On the question to agree to the resolution as amended,

It passed unanimously in the negative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

#### THURSDAY, JULY 12, 1787.

It was moved and seconded to add the following clause to the last resolution agreed to by the house, respecting the representation in the first branch of the legislature of the United States, namely,

“ Provided always, That direct taxation ought to be proportioned according to representation”—

Which passed unanimously in the affirmative.

It was moved and seconded to postpone the consideration of the first clause in the report from the first grand committee—

Which passed in the affirmative.

It was moved and seconded to add the following amendment to the last clause adopted by the house, namely,

“ And that the rule of contribution by direct taxation, for the support of the government of the United States, shall be the number of white inhabitants, and three fifths of every other description in the several states, until some other rule that shall more accurately ascertain the wealth of the several states can be devised and adopted by the legislature.”

The last amendment being withdrawn,

It was moved and seconded to substitute the following, namely,

“ And in order to ascertain the alteration in the

“ representation which may be required, from time to time, by the changes in the relative circumstances of the states—

“ Resolved, That a census be taken within two years from the first meeting of the legislature of the United States, and once within the term of every years afterwards, of all the inhabitants of the United States, in the manner and according to the ratio recommended by Congress in their resolution of and that the legislature of the United States shall arrange the representation accordingly.”

It was moved and seconded so to alter the last clause adopted by the house, that, together with the amendment proposed, the whole should read as follows, namely,

“ Provided always, That representation ought to be proportioned according to direct taxation. And, in order to ascertain the alterations in the direct taxation which may be required, from time to time, by the changes in the relative circumstances of the states—

“ Resolved, That a census be taken within two years from the first meeting of the legislature of the United States, and once within the term of every years afterwards, of all the inhabitants of the United States, in the manner, and according to the ratio, recommended by Congress in their resolution of April 18, 1783; and that the legislature of the United States shall proportion the direct taxation accordingly.”

It was moved and seconded to strike out the word “two,” and insert the word “six”—



Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Maryland, South Carolina - 5

NAYS—Massachusetts, Virginia, North Carolina, Georgia - 4

DIVIDED—Delaware - 1

It was moved and seconded to fill up the blank with the number "twenty."

Passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania - 3

NAYS—Massachusetts, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 7

It was moved and seconded to fill up the blank with the word "ten"—

Which passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 8

NAYS—Connecticut, New Jersey - 2

It was moved and seconded to strike out the words "in the manner and according to the ratio recommended by Congress in their recommendation of April 18, 1783;" and to substitute the following, namely, "of every description and condition"—

Which passed in the negative.

YEAS—South Carolina, Georgia - 2

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - 8

The question being about to be put upon the clause as amended, the previous question was called for, and passed in the negative.

YEA—New Jersey - 1

NAYS—Massachusetts, Connecticut, Pennsylvania,  
Maryland, Virginia, North Carolina, South Carolina,  
Georgia - - - - - 8

DIVIDED—Delaware - - - - - 1

On the question to agree to the clause as amended,  
namely,

“ Provided always, That representation ought to be  
“ proportioned according to direct taxation. And in  
“ order to ascertain the alteration in the direct taxa-  
“ tion which may be required, from time to time, by  
“ the changes in the relative circumstances of the  
“ states—

“ Resolved, That a census be taken within six years  
“ from the first meeting of the legislature of the United  
“ States, and once within the term of every ten years  
“ afterwards, of all the inhabitants of the United States,  
“ in the manner and according to the ratio recommend-  
“ ed by Congress in their resolution of April 18, 1783 ;  
“ and that the legislature of the United States shall  
“ proportion the direct tax accordingly.”

It passed in the affirmative.

YEAS—Connecticut, Pennsylvania, Maryland, Vir-  
ginia, North Carolina, Georgia - - - - - 6

NAYS—New Jersey, Delaware, - - - - - 2

DIVIDED—Massachusetts, South Carolina - - - - - 2

And then the house adjourned until to-morrow, at  
11 o'clock, A. M.

## FRIDAY, JULY 13, 1787.

It was moved and seconded to postpone the con-  
sideration of that clause in the report of the grand  
committee, which respects the originating of money

bills in the first branch, in order to take up the following, namely,

“ That in the second branch of the legislature of the  
“ United States, each state shall have an equal vote.”

It was moved and seconded to add the following amendment to the last clause agreed to by the house, namely,

“ That from the first meeting of the legislature of  
“ the United States, until a census shall be taken, all  
“ moneys to be raised for supplying the publick trea-  
“ sury by direct taxation shall be assessed on the in-  
“ habitants of the several states according to the  
“ number of their representatives, respectively, in the  
“ first branch.”

It was moved and seconded to postpone the consideration of the amendment—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Delaware, Maryland - - - 4

NAYS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 6

On the question to agree to the amendment,

It passed in the negative.

YEAS—Massachusetts, Pennsylvania, North Carolina, South Carolina, Georgia - - - 5

NAYS—Connecticut, New Jersey, Delaware, Maryland, Virginia - - - 5

It was moved and seconded to agree to the following amendment, namely,

“ That from the first meeting of the legislature of  
“ the United States until a census shall be taken, all  
“ moneys for supplying the publick treasury, by direct  
“ taxation, shall be raised from the several states ac-

“ cording to the number of their representatives, re-  
 “ spectively, in the first branch”—

Which passed in the affirmative.

YEAS—Massachusetts, Virginia, North Carolina,  
 South Carolina, Georgia - - - - - 5

NAYS—Connecticut, New Jersey, Delaware, Mary-  
 land - - - - - 4

DIVIDED—Pennsylvania - - - - - 1

It was moved and seconded to re-consider the se-  
 cond clause of the report from the committee of five,  
 entered on the journal of the 9th instant—

Which was unanimously agreed to.

It was moved and seconded to alter the second clause  
 reported from the committee of five, entered on the  
 journal of the 9th instant, so as to read as follows,  
 namely,

“ But as the present situation of the states may  
 “ probably alter in the number of their inhabitants,  
 “ that the legislature of the United States be authoriz-  
 “ ed, from time to time, to apportion the number of  
 “ representatives. And in case any of the states shall  
 “ hereafter be divided, or any two or more states  
 “ united, or any new states created within the limits  
 “ of the United States, the legislature of the United  
 “ States shall possess authority to regulate the number  
 “ of representatives in any of the foregoing cases,  
 “ upon the principle of their number of inhabitants,  
 “ according to the provisions hereafter mentioned.”

On the question to agree to the clause as amended,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,  
 Pennsylvania, Maryland, Virginia, North Carolina,  
 South Carolina, Georgia - - - - - 9



**DIVIDED**—Delaware - - - - - 1

It was moved and seconded to add, after the word  
“divided,” the following words, namely, “or enlarged  
“by addition of territory”—

Which passed unanimously in the affirmative.

It was moved and seconded to adjourn.

Passed in the affirmative.

**YEAS**—Massachusetts, Connecticut, Delaware, Ma-  
ryland, North Carolina, South Carolina - - - 6

**NAYS**—New Jersey, Pennsylvania, Virginia, Geor-  
gia - - - - - 4

And then the house adjourned until to-morrow, at  
11 o'clock, A. M.

## SATURDAY, JULY 14, 1787.

It was moved and seconded to agree to the following  
proposition, namely,

“That to secure the liberties of the states already  
“confederated, the number of representatives, in the  
“first branch, from the states which shall hereafter  
“be established, shall never exceed the representa-  
“tives from such of the thirteen United States as shall  
“accede to this confederation.”

On the question to agree to the proposition,

It passed in the negative.

**YEAS**—Massachusetts, Connecticut, Delaware, Ma-  
ryland - - - - - 4

**NAYS**—New Jersey, Virginia, North Carolina,  
South Carolina, Georgia - - - - - 5

**DIVIDED**—Pennsylvania - - - - - 1

It was moved and seconded to reconsider the two  
propositions reported from the grand committee, and

agreed by the house to stand part of the report entered on the journal of the 6th instant.

It was moved by Mr. Pinckney, and seconded, to postpone the second clause of the report from the grand committee, entered on the journals of the 6th instant, in order to take up the following, namely,

“ That the second branch of the legislature shall  
“ have thirty-six members : of which number

“ New Hampshire	shall have	two,
“ Massachusetts	....	four,
“ Rhode Island	....	one,
“ Connecticut	....	three,
“ New York	....	three,
“ New Jersey	....	two,
“ Pennsylvania	....	four,
“ Delaware	....	one,
“ Maryland	....	three,
“ Virginia	....	five,
“ North Carolina	....	three,
“ South Carolina	....	three,
“ Georgia	....	two.”

On the question to postpone,

It passed in the negative.

YEAS—Pennsylvania, Maryland, Virginia, South  
Carolina - - - - 4

NAYS—Massachusetts, Connecticut, New Jersey,  
Delaware, North Carolina, Georgia - - - 6

And then the house adjourned till Monday.

MONDAY, JULY 16, 1787.

The question being taken on the whole of the report from the grand committee, as amended,

It passed in the affirmative, and is as follows, namely,

“ Resolved, That in the original formation of the  
“ legislature of the United States, the first branch  
“ thereof shall consist of sixty-five members : of which  
“ number

“ New Hampshire	shall send	three,
“ Massachusetts	....	eight,
“ Rhode Island	....	one,
“ Connecticut	....	five,
“ New York	....	six,
“ New Jersey	....	four,
“ Pennsylvania	....	eight,
“ Delaware	....	one,
“ Maryland	....	six,
“ Virginia	....	ten,
“ North Carolina	....	five,
“ South Carolina	....	five,
“ Georgia	....	three.

“ But as the present situation of the states may  
“ probably alter in the number of their inhabitants, the  
“ legislature of the United States shall be authorized,  
“ from time to time, to apportion the number of rep-  
“ resentatives. And in case any of the states shall  
“ hereafter be divided, or enlarged by addition of ter-  
“ ritory, or any two or more states united, or any  
“ new states created within the limits of the United  
“ States, the legislature of the United States shall  
“ possess authority to regulate the number of repre-  
“ sentatives, in any of the foregoing cases, upon the  
“ principle of their number of inhabitants, according  
“ to the provisions hereafter mentioned, namely,

“ Provided always, That representation ought to be

“ proportioned according to direct taxation. And in  
 “ order to ascertain the alteration in the direct taxa-  
 “ tion, which may be required, from time to time, by  
 “ the changes in the relative circumstances of the  
 “ states—

“ Resolved, That a census be taken within six years  
 “ from the first meeting of the legislature of the United  
 “ States, and once within the term of every ten years af-  
 “ terwards, of all the inhabitants of the United States,  
 “ in the manner, and according to the ratio recom-  
 “ mended by Congress, in their resolution of April  
 “ 18, 1783; and that the legislature of the United  
 “ States shall proportion the direct taxation accord-  
 “ ingly.

“ Resolved, That all bills for raising or appropri-  
 “ ating money, and for fixing the salaries of the offi-  
 “ cers of the government of the United States, shall  
 “ originate in the first branch of the legislature of the  
 “ United States, and shall not be altered, or amended,  
 “ by the second branch; and that no money shall be  
 “ drawn from the publick treasury, but in pursuance  
 “ of appropriations to be originated by the first branch.

“ Resolved, That in the second branch of the legis-  
 “ lature of the United States, each state shall have an  
 “ equal vote.”

YEAS—Connecticut, New Jersey, Delaware, Mary-  
 land, North Carolina - - - 5

NAYS—Pennsylvania, Virginia, South Carolina,  
 Georgia - - - - 4

DIVIDED—Massachusetts - - - - 1

It was moved and seconded to agree to the first  
 clause of the sixth resolution reported from the com-  
 mittee of the whole house, namely,



“ That the national legislature ought to possess the  
“ legislative rights vested in Congress by the confede-  
“ ration”—

Which passed unanimously in the affirmative.

It was moved and seconded to commit the second  
clause of the sixth resolution reported from the com-  
mittee of the whole house—

Which passed in the negative.

YEAS—Connecticut, Maryland, Virginia, South Ca-  
rolina, Georgia - - - 5

NAYS—Massachusetts, New Jersey, Pennsylvania,  
Delaware, North Carolina - - - 5

It was moved and seconded to adjourn.

Passed in the negative.

YEAS—New Jersey, Pennsylvania, Maryland, Vir-  
ginia, North Carolina - - - 5

NAYS—Massachusetts, Connecticut, Delaware, South  
Carolina, Georgia - - - 5

The motion to adjourn was repeated.

Passed in the affirmative.

YEAS—Massachusetts, New Jersey, Pennsylvania,  
Maryland, Virginia, North Carolina, South Carolina 7

NAYS—Connecticut, Delaware - - - 2

DIVIDED—Georgia - - - 1

And then the house adjourned till to-morrow, at  
11 o'clock, A. M.

## TUESDAY, JULY 17, 1787.

It was moved by Mr. Sherman, and seconded, to  
postpone the consideration of the second clause of the  
sixth resolution, reported from the committee of the  
whole house, in order to take up the following:

“ To make laws binding on the people of the United  
 “ States in all cases which may concern the common  
 “ interests of the union: but not to interfere with the  
 “ government of the individual states in any matters  
 “ of internal police, which respect the government of  
 “ such states only, and wherein the general welfare of  
 “ the United States is not concerned”—

Which passed in the negative.

YEAS—Connecticut, Maryland - - - 2

NAYS—Massachusetts, New Jersey, Pennsylvania,  
 Delaware, Virginia, North Carolina, South Carolina,  
 Georgia - - - 8

It was moved by Mr. Bedford, and seconded, to alter  
 the second clause of the sixth resolution, so as to read  
 as follows, namely,

“ And moreover to legislate in all cases for the gene-  
 “ ral interests of the union; and also in those to which  
 “ the states are separately incompetent, or in which  
 “ the harmony of the United States may be interrupted  
 “ by the exercise of individual legislation”—

Which passed in the affirmative.

YEAS—Massachusetts, New Jersey, Pennsylvania,  
 Delaware, Maryland, North Carolina - - - 6

NAYS—Connecticut, Virginia, South Carolina, Geor-  
 gia - - - 4

It was moved and seconded, to agree to the second  
 clause of the sixth resolution, as thus amended.

Passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,  
 Pennsylvania, Delaware, Maryland, Virginia, North  
 Carolina - - - 8

NAYS—South Carolina, Georgia - - - 2

On the question to agree to the following clause of

the sixth resolution reported from the committee of the whole house, namely,

“ To negative all laws passed by the several states  
“ contravening, in the opinion of the national legisla-  
“ ture, the articles of union, or any treaties subsisting  
“ under the authority of the union”—

It passed in the negative.

YEAS—Massachusetts, Virginia, North Carolina 3

NAYS—Connecticut, New Jersey, Pennsylvania,  
Delaware, Maryland, South Carolina, Georgia 7

It was moved and seconded to agree to the follow-  
ing resolution, namely,

“ Resolved, That the legislative acts of the United  
“ States, made by virtue and in pursuance of the ar-  
“ ticles of union, and all treaties made and ratified  
“ under the authority of the United States, shall be  
“ the supreme law of the respective states, as far as  
“ those acts, or treaties, shall relate to the said states,  
“ or their citizens and inhabitants :—and that the ju-  
“ diciaries of the several states shall be bound thereby  
“ in their decisions—any thing in the respective laws  
“ of the individual states to the contrary, notwith-  
“ standing”—

Which passed unanimously in the affirmative.

On the question to agree to the first clause of the ninth resolution reported from the committee of the whole house, namely,

“ That a national executive be instituted to consist  
“ of a single person”—

It passed unanimously in the affirmative.

It was moved and seconded to strike the words  
“ national legislature,” out of the second clause of the ninth resolution reported from the committee of the

whole house, and to insert the words "the citizens  
" of the United States"—

Which passed in the negative.

YEA—Pennsylvania - - - 1

NAYS—Massachusetts, Connecticut, New Jersey,  
Delaware, Maryland, Virginia, North Carolina, South  
Carolina, Georgia - - - 9

It was moved and seconded to alter the second  
clause of the ninth resolution reported from the com-  
mittee of the whole house, so as to read,

" To be chosen by electors to be appointed by the  
" several legislatures of the individual states"—

Which passed in the negative.

YEAS—Delaware, Maryland - - - 2

NAYS—Massachusetts, Connecticut, New Jersey,  
Pennsylvania, Virginia, North Carolina, South Ca-  
rolina, Georgia - - - 8

It was moved and seconded to agree to the follow-  
ing clause, namely,

" To be chosen by the national legislature"—

Which passed unanimously in the affirmative.

It was moved and seconded to postpone the con-  
sideration of the following clause,

" For the term of seven years"—

Which was unanimously agreed to.

On the question to agree to the following clause,  
namely,

" With power to carry into effect the national laws"—

It passed unanimously in the affirmative.

On the question to agree to the following clause,  
namely,

" To appoint to offices in cases not otherwise pro-  
" vided for"—

It passed unanimously in the affirmative.



It was moved and seconded to strike out the following words, namely,

“ To be ineligible a second time”—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,  
Pennsylvania, Maryland, Georgia - - 6

NAYS—Delaware, Virginia, North Carolina, South  
Carolina - - - - 4

It was moved and seconded to strike out the words  
“ seven years,” and to insert the words “ good be-  
“ haviour”—

Which passed in the negative.

YEAS—New Jersey, Pennsylvania, Delaware, Vir-  
ginia - - - - 4

NAYS—Massachusetts, Connecticut, Maryland, North  
Carolina, South Carolina, Georgia - 6

It was moved and seconded to strike out the words  
“ seven years”—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania, Delaware,  
North Carolina - - - - 4

NAYS—Connecticut, New Jersey, Maryland, Vir-  
ginia, South Carolina, Georgia - - 6

It was moved and seconded to reconsider the vote  
to strike out the words, “ to be ineligible a second  
“ time.”

Passed unanimously (eight states) in the affirmative.

It was moved and seconded to reconsider imme-  
diately.

Passed in the affirmative.

YEAS—Massachusetts, Connecticut, Delaware, Ma-  
ryland, North Carolina, South Carolina - 6

NAYS—Pennsylvania, Virginia - - 2

It was moved and seconded to reconsider the clause to-morrow.

Passed unanimously in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### WEDNESDAY, JULY 18, 1787.

It was moved and seconded to postpone the consideration of the following clause in the ninth resolution, reported from the committee of the whole house, namely,

“For the term of seven years”—

Which passed unanimously in the affirmative.

It was moved and seconded to postpone the consideration of the remaining clause of the ninth and the tenth resolutions, in order to take up the eleventh resolution—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Delaware, Maryland - - - - 4

NAYS—Pennsylvania, Virginia, South Carolina 3

DIVIDED—North Carolina - - - 1

On the question to agree to the following clause of the eleventh resolution, namely,

“That a national judiciary be established”—

It passed unanimously in the affirmative.

On the question to agree to the following clause of the eleventh resolution, namely,

“To consist of one supreme tribunal”—

It passed unanimously in the affirmative.

It was moved and seconded to strike out the words “second branch of the national legislature,” and to

insert the words "national executive," in the eleventh resolution—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania' - 2

NAYS—Connecticut, Delaware, Maryland, Virginia, North Carolina, South Carolina - 6

It was moved and seconded to alter the third clause of the eleventh resolution, so as to read as follows, namely,

"The judges of which shall be nominated and appointed by the executive, by and with the advice and consent of the second branch of the legislature of the United States; and every such nomination shall be made at least                      days prior to such appointment"—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania, Maryland, Virginia - - - - 4

NAYS—Connecticut, Delaware, North Carolina, South Carolina - - - - 4

It was moved and seconded to alter the third clause of the eleventh resolution, so as to read as follows, namely,

"That the judges shall be nominated by the executive; and such nomination shall become an appointment, if not disagreed to within                      days by two thirds of the second branch of the legislature."

It was moved and seconded to postpone the consideration of the last amendment—

Which was unanimously agreed to.

On the question to agree to the following clause of the eleventh resolution, namely,

“To hold their offices during good behaviour”—

It passed unanimously in the affirmative.

On the question to agree to the following clause of the eleventh resolution, namely,

“To receive, punctually, at stated times, a fixed compensation for their services”—

It passed unanimously in the affirmative.

It was moved and seconded to strike the words “increase or,” out of the eleventh resolution—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, South Carolina 6

NAYS—Virginia, North Carolina 2

On the question to agree to the clause as amended, namely,

“To receive, punctually, at stated times, a fixed compensation for their services, in which no diminution shall be made so as to affect the persons actually in office at the time of such diminution”—

It passed unanimously in the affirmative.

On the question to agree to the twelfth resolution, namely,

“That the national legislature be empowered to appoint inferior tribunals”—

It passed unanimously in the affirmative.

It was moved and seconded to strike the words “impeachments of national officers,” out of the thirteenth resolution—

Which passed unanimously in the affirmative.

It was moved and seconded to alter the thirteenth resolution, so as to read as follows, namely,

“That the jurisdiction of the national judiciary shall extend to cases arising under laws passed by



“ the general legislature, and to such other questions  
“ as involve the national peace and harmony”—

Which passed unanimously in the affirmative.

On the question to agree to the fourteenth resolution, namely,

“ Resolved, That provision ought to be made for the  
“ admission of states lawfully arising within the limits  
“ of the United States, whether from a voluntary junction  
“ of government and territory, or otherwise with  
“ the consent of a number of voices in the national  
“ legislature less than the whole”—

It passed unanimously in the affirmative.

On the question to agree to the first clause of the fifteenth resolution, reported from the committee of the whole house,

It passed in the negative.

YEAS—Virginia, North Carolina - - - 2

NAYS—Massachusetts, Connecticut, Pennsylvania,  
Delaware, Maryland, South Carolina, Georgia 7

On the question to agree to the last clause of the fifteenth resolution,

It passed unanimously in the negative.

It was moved and seconded to alter the sixteenth resolution, so as to read as follows, namely,

“ That a republican form of government shall be  
“ guarantied to each state ; and that each state shall be  
“ protected against foreign and domestic violence”—

Which passed unanimously in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## THURSDAY, JULY 19, 1787.

It was moved and seconded to reconsider the several clauses of the ninth resolution, which respect the appointment, duration, and eligibility of the national executive—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - - - 9

NAY—North Carolina - - - 1

North Carolina withdrew their negative,

And it was unanimously agreed to reconsider immediately.

It was moved by Mr. Ellsworth, and seconded, to agree to the following proposition, namely,

“To be chosen by electors appointed for that purpose by the legislatures of the states, in the following proportion :

“One person, from each state whose numbers, according to the ratio fixed in the resolution, shall not exceed 100,000; *two*, from each of the others, whose numbers shall not exceed 300,000; and *three*, from each of the rest.”

On the question to agree to the following clause, namely,

“To be chosen by electors appointed for that purpose”—

It passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia - - - 6

NAYS—North Carolina, South Carolina, Georgia 3

**DIVIDED**—Massachusetts - - 1

On the question to agree to the following clause,

“By the legislatures of the states”—

It passed in the affirmative.

**YEAS**—Massachusetts, Connecticut, New Jersey,  
Pennsylvania, Delaware, Maryland, North Carolina,  
Georgia - - - 8

**NAYS**—Virginia, South Carolina - - 2

It was agreed to postpone the consideration of the remainder of the proposition.

It was moved and seconded to agree to the following clause, namely,

“For the term of seven years”—

Which passed in the negative.

**YEAS**—New Jersey, South Carolina, Georgia 3

**NAYS**—Connecticut, Pennsylvania, Delaware, Maryland, Virginia - - - 5

**DIVIDED**—Massachusetts, North Carolina 2

On the question to agree to the following clause, namely,

“For the term of six years”—

It passed in the affirmative.

**YEAS**—Massachusetts, Connecticut, New Jersey,  
Pennsylvania, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

**NAY**—Delaware - - - 1

On the question to restore the words, “To be ineligible a second time”—

It passed in the negative.

**YEAS**—North Carolina, South Carolina - 2

**NAYS**—Massachusetts, Connecticut, New Jersey,  
Pennsylvania, Delaware, Maryland, Virginia, Georgia 8

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## FRIDAY, JULY 20, 1787.

It was moved by Mr. Gerry, and seconded, to postpone the consideration of the clause respecting the number of electors, entered on the journal yesterday, in order to take up the following, namely,

“Resolved, That for the first election of the supreme executive, the proportion of electors shall be as follows, namely,

“ New Hampshire	one,
“ Massachusetts	three,
“ Rhode Island	one,
“ Connecticut	two,
“ New York	two,
“ New Jersey	two,
“ Pennsylvania	three,
“ Delaware	one,
“ Maryland	two,
“ Virginia	three,
“ North Carolina	two,
“ South Carolina	two,
“ Georgia	one,

“ In all, twenty-five electors.”

On the question to postpone,

It passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 6

NAYS—Connecticut, New Jersey, Delaware, Maryland - - - - - 4

It was moved and seconded to refer the last motion to a committee—

Which passed in the negative.



YEAS—New Jersey, Delaware, Maryland 3

NAYS—Massachusetts, Connecticut, Pennsylvania,  
Virginia, North Carolina, South Carolina, Georgia 7

It was moved and seconded to add one elector to  
the states of New Hampshire and Georgia—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Vir-  
ginia, South Carolina, Georgia - - - 6

NAYS—Massachusetts, Delaware, Maryland, North  
Carolina - - - - - 4

The last motion having been misunderstood, it was  
moved and seconded that it be put again.

And on the question to give an additional elector to  
each of the states of New Hampshire and Georgia,

It passed in the negative.

YEAS—Connecticut, South Carolina, Georgia 3

NAYS—Massachusetts, New Jersey, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina 7

On the question to agree to the above resolution,  
respecting the first election of the supreme executive,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Virginia, North Carolina, South Carolina - 6

NAYS—New Jersey, Delaware, Maryland, Geor-  
gia - - - - - 4

It was moved and seconded to agree to the follow-  
ing resolution:

“Resolved, That the electors respectively shall not  
“be members of the national legislature, or officers of  
“the union, or eligible to the office of supreme ma-  
“gistrate”—

Which passed in the affirmative.

It was moved and seconded to agree to the following

clause of the ninth resolution reported from the committee of the whole house, namely,

“ To be removeable on impeachment and conviction of mal practice, or neglect of duty.”

It was moved and seconded to postpone the consideration of the last motion—

Which passed in the negative.

YEAS—Massachusetts, South Carolina 2

NAYS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia 3

It was moved and seconded to agree to the clause—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia 8

NAYS—Massachusetts, South Carolina - 2

It was moved and seconded to agree to the following clause, namely,

“ To receive a fixed compensation for the devotion of his time to publick service”—

Which passed unanimously in the affirmative.

It was moved and seconded to agree to the following clause, namely,

“ To be paid out of the national treasury”—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAY—New Jersey - - - 1

It was moved and seconded to adjourn.

Passed in the affirmative.

YEAS—Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia: - - - 8

NAYS—Connecticut, North Carolina - 2

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### SATURDAY, JULY 21, 1787.

It was moved and seconded to add the following clause to the resolution respecting the electors of the supreme executive, namely,

“Who shall be paid out of the national treasury, for the devotion of their time to the publick service” —

Which passed unanimously in the affirmative.

It was moved and seconded to add, after the words “national executive,” in the tenth resolution, the words “together with the supreme national judiciary” —

Which passed in the negative.

YEAS—Connecticut, Maryland, Virginia 3

NAYS—Massachusetts, Delaware, North Carolina,  
South Carolina - - - 4

DIVIDED—Pennsylvania, Georgia - - 2

It was moved and seconded to agree to the tenth resolution, as reported from the committee of the whole house, namely,

“Resolved, That the national executive shall have a right to negative any legislative act, which shall not be afterwards passed, unless by two third parts of each branch of the national legislature” —

Which passed unanimously in the affirmative.

On the question to agree to the following amendment of the third clause of the eleventh resolution, namely,

“That the judges shall be nominated by the execu-

“tive ; and such nomination shall become an appointment, if not disagreed to by the second branch of the legislature”—

It passed in the negative.

YEAS—Massachusetts, Pennsylvania, Virginia 3

NAYS—Connecticut, Delaware, Maryland, North Carolina, South Carolina, Georgia - 6

On the question to agree to the following clause of the eleventh resolution, as reported from the committee of the whole house, namely,

“The judges of which shall be appointed by the second branch of the national legislature”—

It passed in the affirmative.

YEAS—Connecticut, Delaware, Maryland, North Carolina, South Carolina, Georgia - 6

NAYS—Massachusetts, Pennsylvania, Virginia, 3

And then the house adjourned till Monday next, at 11 o'clock, A. M.

### MONDAY, JULY 23, 1787.

The honorable John Langdon and Nicholas Gillman, Esquires, deputies from the state of New Hampshire, attended and took their seats.

The following credentials were produced and read. [See p. 17.]

On the question to agree to the seventeenth resolution, as reported from the committee of the whole house, namely,

“That provision ought to be made for the amendment of the articles of union, whensoever it shall seem necessary”—

It passed unanimously in the affirmative.

It was moved and seconded to add after the word



“ states,” in the eighteenth resolution, the words “ and  
“ of the national government”—

Which passed in the affirmative.

On the question to agree to the eighteenth resolution,  
as amended, namely,

“ That the legislative, executive, and judiciary  
“ powers within the several states, and of the national  
“ government, ought to be bound by oath to support  
“ the articles of union”—

It passed unanimously in the affirmative.

It was moved and seconded to strike the follow-  
ing words out of the nineteenth resolution, reported  
from the committee of the whole house, namely,

“ To an assembly or assemblies of representatives,  
“ recommended by the several legislatures, to be ex-  
“ pressly chosen by the people to consider and decide  
“ thereon”—

Which passed in the negative.

YEAS—Connecticut, Delaware, Maryland - 3

NAYS—New Hampshire, Massachusetts, Pennsylv-  
nia, Virginia, North Carolina, South Carolina, Georgia 7

On the question to agree to the nineteenth resolu-  
tion, as reported from the committee of the whole  
house, namely,

“ Resolved, That the amendments which shall be  
“ offered to the confederation by the convention, ought,  
“ at a proper time or times, after the approbation of  
“ Congress, to be submitted to an assembly or assem-  
“ blies of representatives, recommended by the several  
“ legislatures, to be expressly chosen by the people to  
“ consider and decide thereon”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut,

Pennsylvania, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - - - 9

NAY—Delaware - - - - - 1

It was moved and seconded to agree to the following  
resolution, namely,

“Resolved, That the representation in the second  
“branch of the legislature of the United States consist  
“of members from each state, who shall vote  
“per capita.”

It was moved and seconded to fill up the blank with  
the word “three”—

Which passed in the negative.

YEA—Pennsylvania - - - - - 1

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, Delaware, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - - - 9

It was moved and seconded to fill up the blank with  
the word “two”—

Which was unanimously agreed to.

On the question to agree to the resolution as filled up,  
It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, Pennsylvania, Delaware, Virginia, North Caroli-  
na, South Carolina, Georgia - - - - - 9

NAY—Maryland - - - - - 1

It was moved and seconded to reconsider that clause  
of the resolution, respecting the appointment  
of the supreme executive—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, Delaware, North Carolina, South Carolina, Geor-  
gia - - - - - 7

NAYS—Pennsylvania, Maryland, Virginia - - - 3

And to-morrow was assigned for the reconsideration.

YEAS—New Hampshire, Massachusetts, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 8

NAYS—Connecticut, Pennsylvania - - - - - 2

Motion to adjourn—Negatived unanimously.

It was moved and seconded that the proceedings of the convention for the establishment of a national government, except what respects the supreme executive, be referred to a committee for the purpose of reporting a constitution, conformably to the proceedings aforesaid—

Which passed unanimously in the affirmative.

On the question that the committee consist of a member from each state,

It passed in the negative.

YEA—Delaware - - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 9

On the question that the committee consist of seven,

It passed in the negative.

YEAS—New Hampshire, Massachusetts, Connecticut, Maryland, South Carolina - - - - - 5

NAYS—Pennsylvania, Delaware, Virginia, North Carolina, Georgia - - - - - 5

On the question that the committee consist of five,

It passed unanimously in the affirmative.

To-morrow assigned for appointing the committee.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## TUESDAY, JULY 24, 1787.

It was moved and seconded to strike the following words out of the resolution respecting the supreme executive, namely, "by electors appointed for that purpose by the legislatures of the states," and to insert the words, "by the national legislature"—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey, Delaware, North Carolina, South Carolina, Georgia 7

NAYS—Connecticut, Pennsylvania, Maryland, Virginia - - - - - 4

It was moved and seconded to strike out the word "six," and to insert the word "fifteen."

It was moved and seconded to postpone the consideration of the resolution, respecting the executive—

Which passed in the negative.

YEAS—Connecticut, Pennsylvania, Maryland, Virginia - - - - - 4

NAYS—New Hampshire, Massachusetts, New Jersey, North Carolina, South Carolina, Georgia - 6

DIVIDED—Delaware - - - - - 1

It was moved by Mr. Wilson, and seconded, to agree to the following resolution, namely,

"Resolved, That the supreme executive shall be chosen every years by electors, to be taken by lot from the national legislature; the electors to proceed immediately to the choice of the executive; and not to separate until it be made."

The question of order being taken on the last motion,



It was determined that the motion is in order.

YEAS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia 7

NAYS—Connecticut, North Carolina, South Carolina, Georgia - - - - - 4

On the question to postpone the consideration of the resolution,

It passed unanimously in the affirmative.

The house then proceeded to ballot for the committee of detail—

When the honourable Mr. Rutledge, Mr. Randolph, Mr. Gorham, Mr. Ellsworth, and Mr. Wilson were chosen.

It was moved and seconded to discharge the committee of the whole house from acting on the propositions submitted to the convention by the honourable Mr. C. Pinckney ; and that the said propositions be referred to the committee to whom the proceedings of the convention are referred—

Which passed unanimously in the affirmative.

It was moved and seconded to take the like order on the propositions submitted to the convention by the honourable Mr. Patterson—

Which passed unanimously in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### WEDNESDAY, JULY 25, 1787.

It was moved by Mr. Ellsworth, and seconded, to agree to the following amendment to the resolution respecting the election of the supreme executive, namely,

“ Except when the magistrate last chosen shall

“ have continued in office the whole term for which he  
 “ was chosen, and be re-eligible ; in which case the  
 “ choice shall be by electors appointed for that pur-  
 “ pose by the several legislatures.”

It passed in the negative.

YEAS—New Hampshire, Connecticut, Pennsylvania,  
 Maryland - - - - - 4

NAYS—Massachusetts, New Jersey, Delaware, Vir-  
 ginia, North Carolina, South Carolina, Georgia 7

It was moved by Mr. Pinckney, and seconded, to  
 agree to the following amendment to the resolution re-  
 specting the supreme executive, namely,

“ Provided, That no person shall be capable of hold-  
 “ ing the said office for more than six years in any  
 “ term of twelve.”

It was moved and seconded to postpone the conside-  
 ration of the last amendment—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania, Ma-  
 ryland, Virginia - - - - - 5

NAYS—New Hampshire, Massachusetts, Delaware,  
 North Carolina, South Carolina, Georgia - 6

On the question to agree to the amendment,

It passed in the negative.

YEAS—New Hampshire, Massachusetts, North Ca-  
 rolina, South Carolina, Georgia - - - 5

NAYS—Connecticut, New Jersey, Pennsylvania, De-  
 laware, Maryland, Virginia - - - 6

It was moved and seconded that the members of the  
 committee be furnished with copies of the proceed-  
 ings—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-

cut, New Jersey, Pennsylvania, Delaware, Maryland,  
Virginia, North Carolina, Georgia - - - 10

NAY—South Carolina - - - 1

It was moved and seconded, that the members of  
the house take copies of the resolutions which have  
been agreed to.

Passed in the negative.

YEAS—Connecticut, New Jersey, Delaware, Vir-  
ginia, North Carolina - - - 5

NAYS—New Hampshire, Massachusetts, Pennsylv-  
nia, Maryland, South Carolina, Georgia - - - 6

It was moved and seconded to refer the resolution,  
respecting the executive, (except that clause which  
provides that it consist of a single person) to the com-  
mittee of detail.

Before a determination was taken on the last motion,

It was moved and seconded to adjourn.

Passed in the affirmative.

YEAS—Massachusetts, New Jersey, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina, South  
Carolina, Georgia - - - 9

NAYS—New Hampshire, Connecticut - - - 2

The house adjourned till to-morrow, at 11 o'clock,  
A. M.

### THURSDAY, JULY 26, 1787.

It was moved and seconded to amend the third clause  
of the resolution respecting the national executive, so  
as to read as follows, namely,

“ For the term of seven years, to be ineligible a se-  
cond time”—

Which passed in the affirmative.

YEAS—New Hampshire, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—Connecticut, Pennsylvania, Delaware 3

On the question to agree to the whole resolution respecting the supreme executive, namely,

“Resolved, That a national executive be instituted—

“To consist of a single person;

“To be chosen by the national legislature;

“For the term of seven years;

“To be ineligible a second time;

“With power to carry into execution the national laws;

“To appoint to offices in cases not otherwise provided for;

“To be removeable on impeachment and conviction of mal-practice or neglect of duty;

“To receive a fixed compensation for the devotion of his time to publick service;

“To be paid out of the publick treasury”—

It passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, North Carolina, South Carolina, Georgia - 6

NAYS—Pennsylvania, Delaware, Maryland - 3

DIVIDED—Virginia . . . . . 1

It was moved and seconded to agree to the following resolution, namely,

“Resolved, That it be an instruction to the committee, to whom were referred the proceedings of the convention for the establishment of a national government, to receive a clause or clauses, requiring certain qualifications of landed property and citizenship in the United States, for the executive, the ju-



“diciary, and the members of both branches of the  
 “legislature of the United States; and for disqualify-  
 “ing all such persons as are indebted to, or have un-  
 “settled accounts with, the United States, from being  
 “members of either branch of the national legisla-  
 “ture.”

It was moved and seconded to strike out the word  
 “landed.”

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
 cut, New Jersey, Pennsylvania, Delaware, Virginia,  
 North Carolina, South Carolina, Georgia - 10

NAY—Maryland - - - 1

On the question to agree to the clause respecting the  
 qualification, as amended,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey,  
 Maryland, Virginia, North Carolina, South Carolina,  
 Georgia - - - 8

NAYS—Connecticut, Pennsylvania, Delaware 3

It was moved and seconded to add the words “and  
 “pensioners of the government of the United States,”  
 to the clause of disqualification—

Which passed in the negative.

YEAS—Massachusetts, Maryland, Georgia - 3

NAYS—New Hampshire, Connecticut, New Jersey  
 Pennsylvania, Delaware, Virginia, South Carolina 7

DIVIDED—North Carolina - - - 1

It was moved and seconded to strike out the following  
 words, namely,

“Or have unsettled accounts with”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-

cut, Pennsylvania, Delaware, Maryland, Virginia,			
North Carolina, South Carolina	-	-	9
NAYS—New Jersey, Georgia	-	-	2

On the question to agree to the clause of disqualification, as amended,

It passed in the negative.

YEAS—North Carolina, Georgia	-	-	2
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NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina	-	-	-	9
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It was moved and seconded to agree to the following resolution, namely,

“Resolved, That it be an instruction to the committee to whom were referred the proceedings of the convention for the establishment of a national government, to receive a clause or clauses for preventing the seat of the national government being in the same city or town with the seat of the government of any state, longer than until the necessary public buildings can be erected.”

It was moved and seconded to postpone the consideration of the last resolution.

It was moved and seconded to refer such proceedings of the convention, as have been agreed on since Monday last, to the committee of detail—

Which passed unanimously in the affirmative.

And then the house, by unanimous vote, adjourned till Monday, August 6.

## RESOLUTIONS OF THE CONVENTION

REFERRED, ON THE TWENTY-THIRD AND TWENTY-SIXTH OF JULY, 1787, TO A COMMITTEE OF DETAIL, (MESSRS. RUTLEDGE, RANDOLPH, GORHAM, ELLSWORTH, AND WILSON) FOR THE PURPOSE OF REPORTING A CONSTITUTION.

## JOURNALS,

- June 20.     I. RESOLVED, That the government of the United States ought to consist of a supreme legislative, judiciary, and executive.
- June 21.     II. RESOLVED, That the legislature consist of two branches.
- III. RESOLVED, That the members of the first branch of the legislature ought to be elected by the people of the several states, for the term of two years ; to be paid out of the publick treasury ; to receive an adequate compensation for their services ; to be of the age of twenty-five years at least ; to be ineligible and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service of the first branch.
- June 22.
- June 23.
- June 25.     IV. RESOLVED, That the members of the second branch of the legislature of the United States ought to be chosen by the individual legislatures ; to be

June 26. of the age of thirty years at least ; to hold their offices for six years, one third to go out biennially ; to receive a compensation for the devotion of their time to the publick service ; to be ineligible to and incapable of holding any office, under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for one year thereafter.

v. RESOLVED, That each branch ought to possess the right of originating acts.

Post-  
poned. } 27.

July 16.

vi. RESOLVED, That the national legislature ought to possess the legislative rights vested in Congress by the confederation ; and moreover, to legislate in all cases for the general interests of the union, and also in those to which the states are separately incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.

17.

vii. RESOLVED, That the legislative acts of the United States, made by virtue and in pursuance of the articles of union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states, as far as those acts or treaties shall relate to the



July 17. said states, or their citizens and inhabitants; and that the judiciaries of the several states shall be bound thereby in their decisions, any thing in the respective laws of the individual states to the contrary, notwithstanding.

16. viii. RESOLVED, That in the original formation of the legislature of the United States, the first branch thereof shall consist of sixty-five members; of which number

New Hampshire shall send	three,
Massachusetts	.... eight,
Rhode Island	.... one,
Connecticut	.... five,
New York	.... six,
New Jersey	.... four,
Pennsylvania	.... eight,
Delaware	.... one,
Maryland	.... six,
Virginia	.... ten,
North Carolina	.... five,
South Carolina	.... five,
Georgia	.... three.

But as the present situation of the states may probably alter in the number of their inhabitants, the legislature of the United States shall be authorized, from time to time, to apportion the number of representatives; and in case any of the states shall hereafter be divided, or enlarg-

July 16.

ed, by addition of territory, or any two or more states united, or any new states created within the limits of the United States, the legislature of the United States shall possess authority to regulate the number of representatives, in any of the foregoing cases, upon the principle of their number of inhabitants according to the provisions hereafter mentioned, namely— Provided always, that representation ought to be proportioned according to direct taxation. And in order to ascertain the alteration in the direct taxation, which may be required from time to time by the changes in the relative circumstances of the states—

IX. RESOLVED, That a census be taken within six years from the first meeting of the legislature of the United States, and once within the term of every ten years afterwards, of all the inhabitants of the United States, in the manner and according to the ratio recommended by Congress in their resolution of April 18, 1783; and that the legislature of the United States shall proportion the direct taxation accordingly.

X. RESOLVED, That all bills for raising or appropriating money, and for fixing the salaries of the officers of the government of the United States, shall originate in the first branch of the le-

July 16.

gislature of the United States, and shall not be altered or amended by the second branch; and that no money shall be drawn from the publick treasury, but in pursuance of appropriations to be originated by the first branch.

XI. RESOLVED, That in the second branch of the legislature of the United States, each state shall have an equal vote.

July 26.

XII. RESOLVED, That a national executive be instituted, to consist of a single person; to be chosen by the national legislature, for the term of seven years; to be ineligible a second time; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment, and conviction of mal-practice or neglect of duty; to receive a fixed compensation for the devotion of his time to publick service; to be paid out of the publick treasury.

July 21.

XIII. RESOLVED, That the national executive shall have a right to negative any legislative act, which shall not be afterwards passed, unless by two third parts of each branch of the national legislature.

18.

XIV. RESOLVED, That a national judiciary be established, to consist of one supreme tribunal, the judges of which

July 21.

18.

shall be appointed by the second branch of the national legislature ; to hold their offices during good behaviour ; to receive punctually, at stated times, a fixed compensation for their services, in which no diminution shall be made, so as to affect the persons actually in office at the time of such diminution.

xv. **RESOLVED**, That the national legislature be empowered to appoint inferior tribunals.

xvi. **RESOLVED**, That the jurisdiction of the national judiciary shall extend to cases arising under laws passed by the general legislature ; and to such other questions as involve the national peace and harmony.

xvii. **RESOLVED**, That provision ought to be made for the admission of states lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

xviii. **RESOLVED**, That a republican form of government shall be guarantied to each state ; and that each state shall be protected against foreign and domestick violence.

23. xix. **RESOLVED**, That provision ought to be made for the amendment of the arti-



July 23.           cles of union, whensoever it shall seem necessary.

xx. **RESOLVED**, That the legislative, executive, and judiciary powers, within the several states, and of the national government, ought to be bound, by oath, to support the articles of union.

xxi. **RESOLVED**, That the amendments which shall be offered to the confederation by the convention ought, at a proper time or times after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon.

xxii. **RESOLVED**, That the representation in the second branch of the legislature of the United States consist of two members from each state, who shall vote per capita.

26. xxiii. **RESOLVED**, That it be an instruction to the committee, to whom were referred the proceedings of the convention for the establishment of a national government, to receive a clause or clauses, requiring certain qualifications of property and citizenship, in the United States, for the executive, the judiciary, and the members of both branches of the legislature of the United States.

The propositions offered to the convention on the 29th of May, by Mr. C. Pinckney, and on the 15th of June, by Mr. Patterson, were referred to the committee with the above resolutions.

MONDAY, AUGUST 6, 1787.

The house met agreeably to adjournment.

The honourable John Francis Mercer, Esq. one of the deputies from the state of Maryland, attended and took his seat.

The honourable Mr. Rutledge, from the committee to whom were referred the proceedings of the convention for the purpose of reporting a constitution for the establishment of a national government, conformable to the proceedings, informed the house that the committee were prepared to report.

The report was then delivered in at the secretary's table; and being read once throughout, and copies thereof given to the members,

It was moved and seconded to adjourn till Wednesday morning—

Which passed in the negative.

YEAS—Pennsylvania, Maryland, Virginia - 3

NAYS—New Hampshire, Massachusetts, Connecticut, North Carolina, South Carolina - 5

The house then adjourned till to-morrow morning, at 11 o'clock, A. M.

## DRAFT OF A CONSTITUTION,

REPORTED BY THE COMMITTEE OF FIVE, AUG. 6, 1787.\*

WE the people of the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare and establish the following constitution for the government of ourselves and our posterity.

## ARTICLE I.

The style of this government shall be, "The United States of America."

## ARTICLE II.

The government shall consist of supreme legislative, executive, and judicial powers.

## ARTICLE III.

The legislative power shall be vested in a congress, to consist of two separate and distinct bodies of men, a house of representatives, and a senate; each of which shall, in all cases, have a negative on the other. The legislature shall meet on the first Monday in December in every year.

\* One copy of this printed draft is among the papers deposited by President Washington, in the Department of State.—Another copy is among the papers of Mr. Brearly, furnished by general Bloomfield.

## ARTICLE IV.

SECT. 1. The members of the house of representatives shall be chosen every second year, by the people of the several states comprehended within this union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several states of the most numerous branch of their own legislatures.

SECT. 2. Every member of the house of representatives shall be of the age of twenty-five years at least; shall have been a citizen in the United States for at least three years before his election; and shall be, at the time of his election, a resident of the state in which he shall be chosen.

SECT. 3. The house of representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner herein after described, consist of sixty-five members; of whom three shall be chosen in New Hampshire, eight in Massachusetts, one in Rhode Island and Providence Plantations, five in Connecticut, six in New York, four in New Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North Carolina, five in South Carolina, and three in Georgia.

SECT. 4. As the proportions of numbers in the different states will alter from time to time; as some of the states may hereafter be divided; as others may be enlarged by addition of territory; as two or more states may be united; as new states will be erected within the limits of the United States, the legislature shall, in each of these cases, regulate the number of representa-



tives by the number of inhabitants, according to the provisions herein after made, at the rate of one for every forty thousand.

SECT. 5. All bills for raising or appropriating money, and for fixing the salaries of the officers of government, shall originate in the house of representatives, and shall not be altered or amended by the senate. No money shall be drawn from the publick treasury, but in pursuance of appropriations that shall originate in the house of representatives.

SECT. 6. The house of representatives shall have the sole power of impeachment. It shall choose its speaker and other officers.

SECT. 7. Vacancies in the house of representatives shall be supplied by writs of election from the executive authority of the state, in the representation from which they shall happen.

#### ARTICLE V.

SECT. 1. The senate of the United States shall be chosen by the legislatures of the several states. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

SECT. 2. The senators shall be chosen for six years ; but, immediately after the first election, they shall be divided, by lot, into three classes, as nearly as may be, numbered one, two, and three. The seats of the members of the first class shall be vacated at the expiration of the second year ; of the second class at the expiration of the fourth year ; of the third class at the expiration of the sixth year ; so that a third part of the members may be chosen every second year.

SECT. 3. Every member of the senate shall be of the age of thirty years at least ; shall have been a citizen in the United States for at least four years before his election ; and shall be, at the time of his election, a resident of the state for which he shall be chosen.

SECT. 4. The senate shall choose its own president and other officers.

#### ARTICLE VI.

SECT. 1. The times, and places, and the manner of holding the elections of the members of each house, shall be prescribed by the legislature of each state ; but their provisions concerning them may, at any time, be altered by the legislature of the United States.

SECT. 2. The legislature of the United States shall have authority to establish such uniform qualifications of the members of each house, with regard to property, as to the said legislature shall seem expedient.

SECT. 3. In each house a majority of the members shall constitute a quorum to do business ; but a smaller number may adjourn from day to day.

SECT. 4. Each house shall be the judge of the elections, returns, and qualifications of its own members.

SECT. 5. Freedom of speech and debate in the legislature shall not be impeached or questioned in any court or place out of the legislature ; and the members of each house shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at Congress, and in going to and returning from it.

SECT. 6. Each house may determine the rules of its proceedings ; may punish its members for disorderly behaviour ; and may expel a member.

SECT. 7. The house of representatives, and the senate, when it shall be acting in a legislative capacity, shall keep a journal of their proceedings ; and shall, from time to time, publish them : and the yeas and nays of the members of each house, on any question, shall, at the desire of one-fifth part of the members present, be entered on the journal.

SECT. 8. Neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that at which the two houses are sitting. But this regulation shall not extend to the senate, when it shall exercise the powers mentioned in the article.

SECT. 9. The members of each house shall be ineligible to, and incapable of holding any office under the authority of the United States, during the time for which they shall respectively be elected ; and the members of the senate shall be ineligible to, and incapable of holding any such office for one year afterwards.

SECT. 10. The members of each house shall receive a compensation for their services, to be ascertained and paid by the state in which they shall be chosen.

SECT. 11. The enacting style of the laws of the United States shall be, " Be it enacted, and it is hereby " enacted by the house of representatives, and by the " senate of the United States, in Congress assembled."

SECT. 12. Each house shall possess the right of originating bills, except in the cases before mentioned.

SECT. 13. Every bill, which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the President of the United States, for his revision. If, upon such revision, he approve of it, he shall signify his approbation by



signing it; but if, upon such revision, it shall appear to him improper for being passed into a law, he shall return it, together with his objections against it, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider the bill; but if, after such reconsideration, two thirds of that house shall, notwithstanding the objections of the president, agree to pass it, it shall, together with his objections, be sent to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of the other house also, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered in the journal of each house respectively. If any bill shall not be returned by the president within seven days after it shall have been presented to him, it shall be a law, unless the legislature, by their adjournment, prevent its return; in which case it shall not be a law.

#### ARTICLE VII.

SECT. 1. The legislature of the United States shall have the power to lay and collect taxes, duties, imposts and excises;

To regulate commerce with foreign nations, and among the several states;

To establish a uniform rule of naturalization throughout the United States;

To coin money;

To regulate the value of foreign coin;

To fix the standard of weights and measures;

To establish post offices;



To borrow money, and emit bills on the credit of the United States ;

To appoint a treasurer by ballot ;

To constitute tribunals inferior to the supreme court ;

To make rules concerning captures on land and water ;

To declare the law and punishment of piracies and felonies committed on the high seas, and the punishment of counterfeiting the coin of the United States, and of offences against the law of nations ;

To subdue a rebellion in any state, on the application of its legislature ;

To make war ;

To raise armies ;

To build and equip fleets ;

To call forth the aid of the militia, in order to execute the laws of the union, enforce treaties, suppress insurrections, and repel invasions ; and,

To make all laws that shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested, by this constitution, in the government of the United States, or in any department or officer thereof.

SECT. 2. Treason against the United States shall consist only in levying war against the United States, or any of them ; and in adhering to the enemies of the United States, or any of them. The legislature of the United States shall have power to declare the punishment of treason. No person shall be convicted of treason, unless on the testimony of two witnesses. No attainder of treason shall work corruption of blood, nor forfeiture, except during the life of the person attainted.

SECT. 3. The proportions of direct taxation shall be

regulated by the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, (except Indians not paying taxes;) which number shall, within six years after the first meeting of the legislature, and within the term of every ten years afterwards, be taken in such manner as the said legislature shall direct.

SECT. 4. No tax or duty shall be laid by the legislature on articles exported from any state; nor on the migration or importation of such persons as the several states shall think proper to admit; nor shall such migration or importation be prohibited.

SECT. 5. No capitation tax shall be laid, unless in proportion to the census herein before directed to be taken.

SECT. 6. No navigation act shall be passed without the assent of two thirds of the members present in each house.

SECT. 7. The United States shall not grant any title of nobility.

#### ARTICLE VIII.

The acts of the legislature of the United States made in pursuance of this constitution, and all treaties made under the authority of the United States, shall be the supreme law of the several states, and of their citizens and inhabitants; and the judges in the several states shall be bound thereby in their decisions; any thing in the constitutions or laws of the several states to the contrary, notwithstanding.

## ARTICLE IX.

SECT. 1. The senate of the United States shall have power to make treaties, and to appoint ambassadors, and judges of the supreme court.

SECT. 2. In all disputes and controversies now subsisting, or that may hereafter subsist, between two or more states, respecting jurisdiction or territory, the senate shall possess the following powers: Whenever the legislature, or the executive authority, or the lawful agent of any state in controversy with another, shall, by memorial to the senate, state the matter in question, and apply for a hearing, notice of such memorial and application shall be given, by order of the senate, to the legislature or the executive authority of the other state in controversy. The senate shall also assign a day for the appearance of the parties, by their agents, before that house. The agents shall be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question. But if the agents cannot agree, the senate shall name three persons out of each of the several states; and from the list of such persons each party shall, alternately, strike out one, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as the senate shall direct, shall, in their presence, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy; provided a majority of the judges, who shall hear the cause, agree in the determination. If either party shall neg-

lect to attend at the day assigned, without showing sufficient reasons for not attending, or, being present, shall refuse to strike, the senate shall proceed to nominate three persons out of each state, and the clerk of the senate shall strike in behalf of the party absent or refusing. If any of the parties shall refuse to submit to the authority of such court, or shall not appear to prosecute or defend their claim or cause, the court shall nevertheless proceed to pronounce judgment. The judgment shall be final and conclusive. The proceedings shall be transmitted to the president of the senate, and shall be lodged among the publick records for the security of the parties concerned. Every commissioner shall, before he sit in judgment, take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, "without favour, affection, or hope of reward."

SECT. 3. All controversies concerning lands claimed under different grants of two or more states, whose jurisdictions, as they respect such lands, shall have been decided or adjusted subsequent to such grants, or any of them, shall, on application to the senate, be finally determined, as near as may be, in the same manner as is before prescribed for deciding controversies between different states.

#### ARTICLE X.

SECT. 1. The executive power of the United States shall be vested in a single person. His style shall be, "The President of the United States of America ;" and his title shall be, "His Excellency." He shall be



elected by ballot by the legislature. He shall hold his office during the term of seven years ; but shall not be elected a second time.

SECT. 2. He shall, from time to time, give information to the legislature of the state of the union. He may recommend to their consideration such measures as he shall judge necessary and expedient. He may convene them on extraordinary occasions. In case of disagreement between the two houses, with regard to the time of adjournment, he may adjourn them to such time as he thinks proper. He shall take care that the laws of the United States be duly and faithfully executed. He shall commission all the officers of the United States ; and shall appoint officers in all cases not otherwise provided for by this constitution. He shall receive ambassadors, and may correspond with the supreme executives of the several states. He shall have power to grant reprieves and pardons ; but his pardon shall not be pleadable in bar of an impeachment. He shall be commander in chief of the army and navy of the United States, and of the militia of the several states. He shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during his continuance in office. Before he shall enter on the duties of his department, he shall take the following oath or affirmation : “ I ——  
“ solemnly swear (or affirm) that I will faithfully execute the office of President of the United States of  
“ America.” He shall be removed from his office on impeachment by the house of representatives, and conviction in the supreme court, of treason, bribery, or corruption. In case of his removal as aforesaid, death, resignation, or disability to discharge the powers and

duties of his office, the president of the senate shall exercise those powers and duties until another president of the United States be chosen, or until the disability of the president be removed.

#### ARTICLE XI.

SECT. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as shall, when necessary, from time to time, be constituted by the legislature of the United States.

SECT. 2. The judges of the supreme court, and of the inferior courts, shall hold their offices during good behaviour. They shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECT. 3. The jurisdiction of the supreme court shall extend to all cases arising under laws passed by the legislature of the United States ; to all cases affecting ambassadors, other publick ministers and consuls ; to the trial of impeachments of officers of the United States ; to all cases of admiralty and maritime jurisdiction ; to controversies between two or more states (except such as shall regard territory or jurisdiction ; ) between a state and citizens of another state ; between citizens of different states ; and between a state or the citizens thereof, and foreign states, citizens or subjects. In cases of impeachment, cases affecting ambassadors, other publick ministers and consuls, and those in which a state shall be party, this jurisdiction shall be original. In all the other cases before mentioned, it shall be appellate, with such exceptions and under such regulations as the legislature shall make. The legislature may assign any part of the jurisdiction above mentioned

(except the trial of the president of the United States) in the manner, and under the limitations, which it shall think proper, to such inferior courts as it shall constitute from time to time.

SECT. 4. The trial of all criminal offences (except in cases of impeachments) shall be in the state where they shall be committed; and shall be by jury.

SECT. 5. Judgment, in cases of impeachment, shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### ARTICLE XII.

No state shall coin money; nor grant letters of marque and reprisal; nor enter into any treaty, alliance, or confederation; nor grant any title of nobility.

#### ARTICLE XIII.

No state, without the consent of the legislature of the United States, shall emit bills of credit, or make any thing but specie a tender in payment of debts; lay imposts or duties on imports; nor keep troops or ships of war in time of peace; nor enter into any agreement or compact with another state, or with any foreign power; nor engage in any war, unless it shall be actually invaded by enemies, or the danger of invasion be so imminent as not to admit of a delay until the legislature of the United States can be consulted.

## ARTICLE XIV.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

## ARTICLE XV.

Any person charged with treason, felony, or high misdemeanour, in any state, who shall flee from justice, and shall be found in any other state, shall, on demand of the executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of the offence.

## ARTICLE XVI.

Full faith shall be given in each state to the acts of the legislatures, and to the records and judicial proceedings of the courts and magistrates of every other state.

## ARTICLE XVII.

New states, lawfully constituted or established within the limits of the United States, may be admitted by the legislature into this government; but to such admission the consent of two thirds of the members present in each house shall be necessary. If a new state shall arise within the limits of any of the present states, the consent of the legislatures of such states shall be also necessary to its admission. If the admission be consented to, the new states shall be admitted on the same terms with the original states. But the legislature may make conditions with the new states concerning the publick debt, which shall be then subsisting.



## ARTICLE XVIII.

The United States shall guaranty to each state a republican form of government ; and shall protect each state against foreign invasions ; and, on the application of its legislature, against domestick violence.

## ARTICLE XIX.

On the application of the legislatures of two thirds of the states in the union for an amendment of this constitution, the legislature of the United States shall call a convention for that purpose.

## ARTICLE XX.

The members of the legislatures, and the executive and judicial officers of the United States, and of the several states, shall be bound by oath to support this constitution.

## ARTICLE XXI.

The ratification of the conventions of states shall be sufficient for organizing this constitution.

## ARTICLE XXII.

This constitution shall be laid before the United States in congress assembled, for their approbation ; and it is the opinion of this convention that it should be afterwards submitted to a convention chosen in each state, under the recommendation of its legislature, in order to receive the ratification of such convention.

## ARTICLE XXIII.

To introduce this government, it is the opinion of this convention, that each assenting convention should notify its assent and ratification to the United States in congress assembled; that congress, after receiving the assent and ratification of the conventions of states, should appoint and publish a day, as early as may be, and appoint a place for commencing proceedings under this constitution; that after such publication, the legislatures of the several states should elect members of the senate, and direct the election of members of the house of representatives; and that the members of the legislature should meet at the time and place assigned by congress, and should, as soon as may be, after their meeting, choose the president of the United States, and proceed to execute this constitution.

TUESDAY, AUGUST 7, 1787.

It was moved and seconded to refer the report of the committee of detail to a committee of the whole—

Which passed in the affirmative.

YEAS—Pennsylvania, Delaware, Maryland, Virginia, South Carolina - - - 5

NAYS—New Hampshire, Massachusetts, Connecticut, North Carolina - - - 4

Delaware being represented during the debate, a question was again taken on referring to a committee of the whole, and

Passed in the negative.

YEAS—Delaware, Maryland, Virginia - 3

**NAYS**—New Hampshire, Massachusetts, Connecticut, Pennsylvania, North Carolina, South Carolina 6

On the question to agree to the preamble to the constitution, as reported from the committee to whom were referred the proceedings of the convention,

It passed unanimously in the affirmative.

On the question to agree to the first article, as reported,

It passed in the affirmative.

On the question to agree to the second article, as reported,

It passed in the affirmative.

It was moved and seconded to alter the second clause of the third article, so as to read,

“Each of which shall, in all cases, have a negative  
“on the legislative acts of the other”—

Which passed in the negative.

**YEAS**—New Hampshire, Massachusetts, Connecticut, Pennsylvania, North Carolina - - 5

**NAYS**—Delaware, Maryland, Virginia, South Carolina, Georgia - - - 5

On the question to strike the following clause out of the third article, namely,

“Each of which shall, in all cases, have a negative  
“on the other”—

It passed in the affirmative.

**YEAS**—New Hampshire, Massachusetts, Pennsylvania, Delaware, Virginia, South Carolina, Georgia 7

**NAYS**—Connecticut, Maryland, North Carolina 3

It was moved by Mr. Randolph, and seconded, to add the following words to the last clause of the third article,

“Unless a different day shall be appointed by law”—

Which passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 8

NAYS—New Hampshire, Connecticut - - - - - 2

It was moved and seconded to strike out the word “December,” and insert the word “May,” in the third article—

Which passed in the negative.

YEAS—South Carolina, Georgia - - - - - 2

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - - - 8

It was moved and seconded to insert after the word “senate,” in the third article, the following words, namely,

“Subject to the negative hereafter mentioned”—

Which passed in the negative.

YEA—Delaware - - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 9

It was moved and seconded to amend the last clause of the third article, so as to read as follows, namely,

“The legislature shall meet at least once in every year; and such meeting shall be on the first Monday in December, unless a different day shall be appointed by law”—

Which passed in the affirmative.

It was moved and seconded to strike out the last clause in the first section of the fourth article,

Which passed in the negative.

YEA—Delaware - - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut



cut, Pennsylvania, Virginia, North Carolina, South Carolina - - - - - 7

DIVIDED—Maryland - - - - - 1

It was moved and seconded to adjourn—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Maryland, Virginia - - - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, North Carolina, South Carolina - - - 5

It was moved and seconded to adjourn till to-morrow morning, at 10 o'clock—

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, Connecticut - - - - - 3

NAYS—Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - - - 5

DIVIDED—South Carolina - - - - - 1

The motion to adjourn renewed.

Passed in the affirmative.

YEAS—Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina 7

NAYS—New Hampshire, Massachusetts - 2

The house then adjourned till to-morrow morning, at 11 o'clock.

### WEDNESDAY, AUGUST 8, 1787.

On the question to agree to the first section of the fourth article, as reported,

It passed unanimously in the affirmative.

It was moved and seconded to strike out the word “three,” and to insert the word “seven,” in the second section of the fourth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - 10

NAY—Connecticut - - - 1

It was moved and seconded to amend the second section of the fourth article by inserting the word “of” instead of “in” after the word “citizen,” and the words “an inhabitant” instead of the words “a resident”—

Which passed in the affirmative.

YEAS—New Jersey, Maryland, Virginia, South Carolina - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, North Carolina, Georgia - - - 7

It was moved and seconded to postpone Mr. motion in order to take up Mr. Dickinson’s—

Which passed in the negative.

YEAS—Maryland, South Carolina, Georgia 3

NAYS—Massachusetts, New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina - - - 8

It was moved and seconded to insert the word “three”—

Which passed in the negative.

YEAS—South Carolina, Georgia - - 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - 9

It was moved and seconded to add one year residence before the election—

Which passed in the negative.

YEAS—New Jersey, North Carolina, South Carolina, Georgia - - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia - 6

DIVIDED—Maryland - - - - 1

On the question to agree to the second clause of the second section,

It passed unanimously in the affirmative.

On the question to agree to the second section of the fourth article, as amended,

It passed in the affirmative.

It was moved and seconded to strike out the word “five,” and to insert the word “six,” before the words “in South Carolina,” in the third section of the fourth article—

Which passed in the negative.

YEAS—Delaware, North Carolina, South Carolina, Georgia - - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia 7

On the question to agree to the third section of the fourth article, as reported,

It passed in the affirmative.

It was moved and seconded to alter the latter clause of the fourth section of the fourth article, so as to read as follows, namely,

“According to the rule herein after made for direct taxation, not exceeding the rate of one for every “forty thousand”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - 9

NAYS—New Jersey, Delaware - - - 2

It was moved and seconded to add the following clause to the fourth section of the fourth article, namely,

“ Provided, That every state shall have at least one  
“ representative”—

Which passed in the affirmative.

It was moved and seconded to insert the word “ free” before the word “ inhabitants,” in the fourth section of the fourth article—

Which passed in the negative.

YEA—New Jersey - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

On the question to agree to the fourth section of the fourth article, as amended,

It passed in the affirmative.

It was moved and seconded to strike out the fifth section of the fourth article—

Which passed in the affirmative.

YEAS—New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - 7

NAYS—New Hampshire, Massachusetts, Connecticut, North Carolina - - - 4

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

#### THURSDAY, AUGUST 9, 1787.

On the question to agree to the sixth section of the fourth article, as reported,

It passed in the affirmative.



On the question to agree to the seventh section of the fourth article, as reported,

It passed in the affirmative.

It was moved and seconded to insert the following words, in the third clause of the fifth article after the word "executive," "of the state in the representation of which the vacancies shall happen"—

Which passed in the affirmative.

It was moved and seconded to strike out the third clause of the first section of the fifth article—

Which passed in the negative.

YEA—Pennsylvania - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina, South Carolina, Georgia - - - 8

DIVIDED—Maryland - - - 1

It was moved and seconded to add the following words to the third clause of the first section of the fifth article, namely,

"Unless other provision shall be made by the legislature"—

Which passed in the negative.

YEAS—Maryland, North Carolina, South Carolina, Georgia - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia - 6

It was moved and seconded to alter the third clause in the first section of the fifth article, so as to read as follows, namely,

"Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the state in the representation of which such vacancies shall happen, or by the executive thereof, until the next meeting of the legislature"—

Which passed in the affirmative.

On the motion to agree to the three first clauses of the first section of the fifth article,

It passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia 8

NAYS—Massachusetts, North Carolina - 2

DIVIDED—South Carolina - 1

It was moved and seconded to postpone the consideration of the last clause in the first section of the fifth article—

Which passed in the negative.

YEAS—Virginia, North Carolina - 2

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina, Georgia - - - - 8

DIVIDED—New Hampshire - - 1

On the question to agree to the last clause in the first section of the fifth article,

It passed in the affirmative.

It was moved and seconded to insert the following words after the word “after” in the second section of the fifth article, namely,

“They shall be assembled in consequence of”—

Which passed in the affirmative.

On the question to agree to the second section of the fifth article, as amended,

It passed in the affirmative.

It was moved and seconded to strike out the word “four,” and to insert the word “fourteen,” in the third section of the fifth article—

Which passed in the negative.

YEAS—New Hampshire, New Jersey, South Carolina, Georgia - - - - 4

NAYS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - 7

It was moved and seconded to strike out the word “four,” and to insert the word “thirteen,” in the third section of the fifth article—

Which passed in the negative.

YEAS—New Hampshire, New Jersey, South Carolina, Georgia - - - - 4

NAYS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - 7

It was moved and seconded to strike out the word “four,” and to insert the word “ten,” in the third section of the fifth article—

Which passed in the negative.

YEAS—New Hampshire, New Jersey, South Carolina, Georgia - - - - 4

NAYS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - 7

It was moved and seconded to strike out the word “four,” and to insert the word “nine,” in the third section of the fifth article—

Which passed in the affirmative.

YEAS—New Hampshire, New Jersey, Delaware, Virginia, South Carolina, Georgia - - - 6

NAYS—Massachusetts, Connecticut, Pennsylvania, Maryland - - - - 4

DIVIDED—North Carolina - - - 1

It was moved and seconded to amend the third section of the fifth article, by inserting the word “of” after the word “citizen;” and the words “an inhabitant” instead of the words “a resident”—

Which passed in the affirmative.

On the question to agree to the third section of the fifth article, as amended,

It passed in the affirmative.

On the question to agree to the fourth section of the fifth article, as reported,

It passed in the affirmative.

It was moved and seconded to strike out the words "each house," and to insert the words "the house of representatives," in the first section of the sixth article—

Which passed in the negative.

YEA—New Jersey - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

It was moved and seconded to insert the word "respectively" after the word "state," in the first section of the sixth article—

Which passed in the affirmative.

It was moved and seconded to alter the second clause in the first section of the sixth article, so as to read as follows, namely,

"But regulations in each of the foregoing cases may at any time be made or altered by the legislature of the United States"—

Which passed in the affirmative.

On the question to agree to the first section of the sixth article, as amended,

It passed in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.



## FRIDAY, AUGUST 10, 1787.

It was moved and seconded to strike out the second section of the sixth article, in order to introduce the following, namely,

“ That the qualifications of the members of the legislature be as follow :

“ The members of the house of representatives shall possess a clear and unincumbered property of ”

“ The members of the senate ”—

Which passed in the negative.

It was moved and seconded to strike the following words out of the second section of the sixth article, namely,

“ With regard to property”—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania,  
Georgia - - - - - 4

NAYS—New Hampshire, Massachusetts, Maryland,  
Virginia, North Carolina, South Carolina - 6

On the question to agree to the second section of the sixth article, as reported,

It passed in the negative.

YEAS—New Hampshire, Massachusetts, Georgia 3

NAYS—Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina 7

It was moved and seconded to reconsider the second section of the fourth article—

Which passed in the affirmative.

YEAS—Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - 6

**NAYS**—New Hampshire, Massachusetts, New Jersey,  
South Carolina, Georgia - - - 5

And Monday next was assigned for the reconsideration.

**YEAS**—New Hampshire, Connecticut, New Jersey,  
Pennsylvania, Delaware, Maryland, Virginia, North  
Carolina, South Carolina - - - 9

**NAYS**—Massachusetts, Georgia - - - 2

It was moved by Mr. King, and seconded, to amend the third section of the sixth article to read as follows, namely,

“Not less than thirty-three members of the house of  
“representatives, nor less than fourteen members of  
“the senate, shall constitute a quorum to do business.  
“A smaller number in either house may adjourn from  
“day to day; but the number necessary to form such  
“quorum may be increased by an act of the legislature  
“on the addition of members in either branch”—

Which passed in the negative.

**YEAS**—Massachusetts, Delaware - - - 2

**NAYS**—New Hampshire, Connecticut, New Jersey,  
Pennsylvania, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

It was moved by Mr. Randolph, and seconded, to add the following amendment to the third section of the sixth article :

“And may be authorized to compel the attendance  
“of absent members, in such manner and under such  
“penalties as each house may provide”—

Which passed in the affirmative.

**YEAS**—New Hampshire, Massachusetts, Connecticut,  
New Jersey, Delaware, Maryland, Virginia, North  
Carolina, South Carolina, Georgia - - - 10

**DIVIDED**—Pennsylvania - - - 1

On the question to agree to the third section of the sixth article, as amended,

It passed in the affirmative.

On the question to agree to the fourth section of the sixth article, as reported,

It passed in the affirmative.

On the question to agree to the fifth section of the sixth article, as reported,

It passed in the affirmative.

It was moved and seconded to amend the last clause in the sixth section of the sixth article, by adding the following words :

“ With the concurrence of two thirds”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

DIVIDED—Pennsylvania - - - 1

On the question to agree to the sixth section of the sixth article, as amended,

It passed in the affirmative.

It was moved by Mr. Carroll, and seconded, to strike out the words “ one fifth part,” and to insert the words “ of every one member present,” in the latter clause of the seventh section of the sixth article—

Which passed in the negative.

YEAS—Maryland, Virginia, South Carolina 3

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, North Carolina, Georgia - - - 8

It was moved and seconded to strike out the words “ each house,” and to insert the words “ the house of “ representatives,” in the second clause of the seventh

section of the sixth article ; and to add the following words to the section, namely,

“ And any member of the senate shall be at liberty  
“ to enter his dissent”—

Which passed in the negative.

It was moved and seconded to strike the following words out of the seventh section of the sixth article, namely, “ when it shall be acting in a legislative  
“ capacity” and to add the following words to the section :

“ Except such parts thereof as in their judgment  
“ require secrecy”—

Which passed in the affirmative.

YEAS—Massachusetts, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—Connecticut, New Jersey, Pennsylvania 3

DIVIDED—New Hampshire - - 1

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## SATURDAY, AUGUST 11, 1787.

It was moved and seconded to amend the first clause of the seventh section of the sixth article to read as follows, namely,

“ Each house shall keep a journal of its proceedings ;  
“ and shall, from time to time, publish the same, except  
“ such part of the proceedings of the senate, when act-  
“ ing not in its legislative capacity, as may be judged  
“ by that house to require secrecy”—

Which passed in the negative.

YEA—Virginia - - - - 1

NAYS—New Hampshire, Massachusetts, Connecti-



cut, New Jersey, Pennsylvania, Delaware, Maryland,  
North Carolina, South Carolina, Georgia - 10

It was moved and seconded to insert in the first clause of the seventh section of the sixth article after the word "thereof," the following words:

"Relative to treaties and military operations"—

Which passed in the negative.

YEAS—Massachusetts, Connecticut - 2

NAYS—New Hampshire, New Jersey, Pennsylvania,  
Delaware, Maryland, Virginia, North Carolina, South  
Carolina, Georgia - - - - 9

On the question to agree to the first clause of the seventh section of the sixth article, as reported,

It passed unanimously in the affirmative.

It was moved and seconded to add at the end of the clause the words "except such parts thereof as in their judgment require secrecy"—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,  
Virginia, North Carolina, Georgia - - 6

NAYS—Pennsylvania, Delaware, Maryland, South  
Carolina - - - - 4

DIVIDED—New Hampshire - - 1

On the question to agree to the last clause of the seventh section of the sixth article,

It passed unanimously in the affirmative.

It was moved and seconded to refer the second clause of the seventh section of the sixth article to a committee—

Which passed in the negative.

YEAS—Massachusetts, New Jersey, Pennsylvania,  
Virginia - - - - 4

NAYS—New Hampshire, Connecticut, Delaware,  
Maryland, North Carolina, South Carolina, Georgia 7

On the question to agree to the seventh section of the sixth article, as amended,

It passed in the affirmative.

It was moved and seconded to strike out of the eighth section of the sixth article, the words, "nor to any other place than that at which the two houses are sitting."

And on the question shall the words stand,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia - 10

NAY—Virginia - - - - 1

It was moved and seconded to alter the eighth section of the sixth article, to read as follows, namely,

"The legislature shall at their first assembling determine on a place at which their future sessions shall be held. Neither house shall afterwards, during the session of the house of representatives, without the consent of the other, adjourn for more than three days; nor shall they adjourn to any other place than such as shall have been fixed by law"—

Which passed in the negative.

It was moved and seconded to prefix the following words to the eighth section of the sixth article, namely,

"During the session of the legislature," and to strike out the last clause of the section—

Which passed in the affirmative.

On the question to agree to the eighth section of the sixth article, as amended,

It passed in the affirmative.

It was moved and seconded to reconsider the fifth section of the fourth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, North Carolina, Georgia - - - - 8

NAYS—New Jersey, Maryland - - 2

DIVIDED—South Carolina - - 1

And Monday next was assigned for the reconsideration.

And then the house adjourned till Monday next, at 11 o'clock, A. M.

### MONDAY, AUGUST 13, 1787.

It was moved and seconded to strike out the word "seven," and to insert the word "four," in the second section of the fourth article.

It was moved and seconded to strike out the word "seven," and to insert the word "nine," in the second section of the fourth article.

It was moved by Mr. Hamilton, and seconded, to strike out the words "shall have been a citizen of" the United States for at least seven years before his "election," and to insert between the words "an" and "inhabitant," the words "citizen and," in the second section of the fourth article—

Which passed in the negative.

YEAS—Connecticut, Pennsylvania, Maryland, Virginia - - - - 4

NAYS—New Hampshire, Massachusetts, New Jersey, Delaware, North Carolina, South Carolina, Georgia 7

On the question to agree to the amendment of "nine,"

It passed in the negative.

YEAS—New Hampshire, South Carolina, Georgia 3

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - - - 8

On the question to agree to the amendment of “four,”

It passed in the negative.

YEAS—Connecticut, Maryland, Virginia - - - 3

NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, Georgia - - - - - 8

It was moved by Mr. G. Morris, and seconded, to add the following clause to the second section of the fourth article, namely,

“Provided always, that the above limitation of seven years shall not be construed to affect the rights of those who are now citizens of the United States”—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania, Maryland, Virginia - - - - - 5

NAYS—New Hampshire, Massachusetts, Delaware, North Carolina, South Carolina, Georgia - - - 6

It was moved and seconded to strike out the word “seven,” and to insert the word “five,” in the second section of the fourth article—

Which passed in the negative.

YEAS—Connecticut, Maryland, Virginia - - - 3

NAYS—New Hampshire, Massachusetts, New Jersey, Delaware, North Carolina, South Carolina, Georgia 7

DIVIDED—Pennsylvania - - - - - 1

On the question to agree to the second section of the fourth article, as formerly amended,

It passed in the affirmative.

On the question shall the word “nine” in the third section of the fifth article stand part of the said section,



It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey,  
Delaware, Virginia, North Carolina, South Carolina,  
Georgia - - - - - 8

NAYS—Connecticut, Pennsylvania, Maryland 3

It was moved and seconded to adjourn.

Passed in the negative.

YEAS—Massachusetts, Connecticut, Pennsylvania,  
Delaware, Maryland - - - - - 5

NAYS—New Jersey, Virginia, North Carolina, South  
Carolina, Georgia - - - - - 5

DIVIDED—New Hampshire - - - - - 1

It was moved by Mr. Randolph, and seconded, to  
amend the fifth section of the fourth article to read as  
follows, namely,

“ All bills for raising money for the purposes of  
“ revenue, or for appropriating the same, shall originate  
“ in the house of representatives ; and shall not be so  
“ altered or amended by the senate as to increase or  
“ diminish the sum to be raised, or change the mode of  
“ raising, or the objects of its appropriation”—

[The question was taken on the first clause of this  
amendment]

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, Virginia,  
North Carolina - - - - - 4

NAYS—Connecticut, New Jersey, Pennsylvania, De-  
laware, Maryland, South Carolina, Georgia - 7

On the question to agree to the fifth section of the  
fourth article, as reported,

It passed in the negative.

YEAS—New Hampshire, Massachusetts, North Caro-  
lina - - - - - 3

NAYS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia 8

The question was taken on the last clause of the fifth section of the fourth article—

Which passed in the negative.

YEA—Massachusetts - - - 1

NAYS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

## TUESDAY, AUGUST 14, 1787.

It was moved and seconded to postpone the consideration of the ninth section of the sixth article, in order to take up the following :

“ The members of each house shall be incapable of holding any office under the United States, for which they, or any other for their benefit, receive any salary, fees, or emoluments of any kind ; and the acceptance of such office shall vacate their seats respectively ”—

Which passed in the negative.

YEAS—New Hampshire, Pennsylvania, Delaware, Maryland, Virginia - - - 5

NAYS—Massachusetts, Connecticut, New Jersey, North Carolina, South Carolina - - - 5

DIVIDED—Georgia - - - 1

It was moved and seconded to amend the ninth section of the sixth article by adding the following clause after the words “ be elected : ”

“ Except in the army or navy thereof; but in that case their seats shall be vacated.”

Before the question was taken on the last amendment, It was moved and seconded to postpone the consideration of the ninth section of the sixth article until the powers to be vested in the senate are ascertained—

Which passed unanimously in the affirmative.

It was moved and seconded to strike out the latter clause of the tenth section of the sixth article, and to insert the following :

“ To be paid out of the treasury of the United States”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - 9

NAYS—Massachusetts, South Carolina - 2

It was moved and seconded to agree to the following amendment to the tenth section of the sixth article :

“ Five dollars, or the present value thereof, per diem, during their attendance, and for every thirty miles travel in going to, and returning from Congress”—

Which passed in the negative.

YEAS—Connecticut, Virginia - - - 2

NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - 9

It was moved and seconded to agree to the following amendment to the tenth section of the sixth article :

“ To be ascertained by law”—

Which passed in the affirmative.

On the question to agree to the tenth section of the sixth article as amended,

It passed in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### WEDNESDAY, AUGUST 15, 1787.

On the question to agree to the 11th section of the sixth article as reported,

It passed in the affirmative.

It was moved and seconded to strike out the latter part of the twelfth section of the sixth article—

Which passed in the affirmative.

It was moved and seconded to amend the twelfth section of the sixth article, as follows :

“ Each house shall possess the right of originating  
 “ all bills, except bills for raising money for the pur-  
 “ poses of revenue, or for appropriating the same, and  
 “ for fixing the salaries of the officers of government,  
 “ which shall originate in the house of representatives ;  
 “ but the senate may propose or concur with amend-  
 “ ments as in other cases.”

It was moved and seconded to postpone the consideration of the last amendment—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Virginia,  
 North Carolina, South Carolina, Georgia - 6

NAYS—Connecticut, New Jersey, Pennsylvania, De-  
 laware, Maryland, - - - - - 5

It was moved by Mr. Madison, and seconded, to agree to the following amendment of the thirteenth section of the sixth article :



“ Every bill which shall have passed the two houses,  
 “ shall, before it become a law, be severally presented  
 “ to the President of the United States, and to the jud-  
 “ ges of the supreme court for the revision of each.  
 “ If, upon such revision, they shall approve of it, they  
 “ shall respectively signify their approbation by sign-  
 “ ing it ; but if, upon such revision, it shall appear im-  
 “ proper to either, or both, to be passed into a law, it  
 “ shall be returned, with the objections against it, to  
 “ that house, in which it shall have originated, who  
 “ shall enter the objections at large on their journal,  
 “ and proceed to reconsider the bill : but if, after such  
 “ reconsideration, two thirds of that house, when either  
 “ the President, or a majority of the judges shall ob-  
 “ ject, or three fourths, where both shall object, shall  
 “ agree to pass it, it shall, together with the objections,  
 “ be sent to the other house, by which it shall likewise  
 “ be reconsidered ; and, if approved by two thirds, or  
 “ three fourths of the other house, as the case may be,  
 “ it shall become a law”—

Which passed in the negative.

YEAS—Delaware, Maryland, Virginia - - - 3

NAYS—New Hampshire, Massachusetts, Connecti-  
 cut, New Jersey, Pennsylvania, North Carolina, South  
 Carolina, Georgia - - - - - 8

It was moved and seconded to postpone the conside-  
 ration of the thirteenth section of the sixth article—

Which passed in the negative.

YEAS—Delaware, Maryland - - - - 2

NAYS—New Hampshire, Massachusetts, Connecti-  
 cut, New Jersey, Pennsylvania, Virginia, North Caro-  
 lina, South Carolina, Georgia - - - - 9

It was moved and seconded to strike out the words

“two thirds,” and to insert the words “three fourths,” in the thirteenth section of the sixth article—

Which passed in the affirmative.

YEAS—Connecticut, Delaware, Maryland, Virginia,  
North Carolina, South Carolina - - - 6

NAYS—New Hampshire, Massachusetts, New Jer-  
sey, Georgia - - - - - 4

DIVIDED—Pennsylvania - - - - - 1

It was moved and seconded to amend the first clause of the thirteenth section of the sixth article, as follows :

“No bill or resolve of the senate and house of rep-  
resentatives shall become a law, or have force, until  
“it shall have been presented to the President of the  
“United States for his revision”—

Which passed in the negative.

YEAS—Masachusetts, Delaware, North Carolina 3

NAYS—New Hampshire, Connecticut, New Jersey,  
Pennsylvania, Maryland, Virginia, South Carolina,  
Georgia - - - - - 8

It was moved and seconded to add at the close of the thirteenth section of the sixth article, the following clause :

“No money shall be drawn from the treasury of the  
“United States but in consequence of appropriations  
“by law.”

The motion was withdrawn.

It was moved and seconded to adjourn—

Which passed in the negative.

YEAS—Delaware, Maryland, Virginia - - - 3

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, North Carolina, South Carolina,  
Georgia - - - - - 7

It was moved and seconded to strike out the word

“seven,” and to insert the words “ten (Sundays excepted)” in the thirteenth section of the sixth article—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 9

NAYS—New Hampshire, Massachusetts - 2

On the question to agree to the thirteenth section of the sixth article, as amended,

It passed in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

#### THURSDAY, AUGUST 16, 1787.

It was moved and seconded to agree to the following, as the fourteenth section of the sixth article :

“Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment, and in the cases hereinafter mentioned) shall be presented to the President for his revision; and before the same shall have force, shall be approved by him, or, being disapproved by him, shall be re-passed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill”—

Which passed in the affirmative.

It was moved and seconded to insert the following proviso after the first clause of the first section of the seventh article :

“Provided, That no tax, duty, or imposition shall be

“laid by the legislature of the United States on articles exported from any state.”

It was moved and seconded to postpone the consideration of the proviso—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia 10

NAY—Maryland - - - 1

It was moved and seconded to add the words “and post roads,” after the words “post offices,” in the seventh clause of the first section of the seventh article—

Which passed in the affirmative.

YEAS—Massachusetts, Delaware, Maryland, Virginia, South Carolina, Georgia - - 6

NAYS—New Hampshire, Connecticut, New Jersey, Pennsylvania, North Carolina - - 5

It was moved and seconded to strike the words “and emit bills” out of the eighth clause of the first section of the seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - 9

NAYS—New Jersey, Maryland - - 2

It was moved and seconded to adjourn—

Which passed in the negative.

YEAS—New Jersey, Maryland, Virginia, North Carolina - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, South Carolina, Georgia - - 7



Separate questions being taken on the first, second, third, fourth, fifth, sixth, seventh, and eighth clauses of the first section of the seventh article as amended,

They passed in the affirmative.

And then the house adjourned till to-morrow, at 11 o'clock, A. M.

### FRIDAY, AUGUST 17, 1787.

It was moved and seconded to insert the word "joint" before the word "ballot," in the ninth clause of the first section, seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - - - 7

NAYS—Connecticut, New Jersey, Maryland 3

It was moved and seconded to strike out the ninth clause of the first section of the seventh article—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Maryland, South Carolina - - - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, Virginia, North Carolina, Georgia - 6

It was moved and seconded to strike out the words "and punishment," in the eleventh [twelfth] clause of the first section of the seventh article—

Which passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New Hampshire, Connecticut, Maryland 3

It was moved and seconded to alter the first part of

the twelfth clause, first section, seventh article, to read as follows :

“ To punish piracies and felonies committed on the “ high seas”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Delaware, Maryland, South Carolina, Georgia 7

NAYS—Connecticut, Virginia, North Carolina 3

It was moved and seconded to insert the words “ de-  
“ fine and” between the word “ to” and the word “ pu-  
“ nish,” in the twelfth clause—

Which passed in the affirmative.

It was moved and seconded to amend the second part of the twelfth clause, as follows :

“ To punish the counterfeiting of the securities and  
“ current coin of the United States, and offences against  
“ the law of nations”—

Which passed in the affirmative.

On the question to agree to the thirteenth clause of the first section, seventh article, amended as follows :

“ To subdue a rebellion in any state against the go-  
“ vernment thereof, on the application of its legisla-  
“ ture, or without, when the legislature cannot meet”—

It passed in the negative.

YEAS—New Hampshire, Connecticut, Virginia,  
Georgia - - - - - 4

NAYS—Massachusetts, Delaware, Maryland, North  
Carolina, South Carolina - - - - - 5

It was moved and seconded to strike out the word  
“ make,” and to insert the word “ declare,” in the four-  
teenth clause—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Virginia, North Carolina - - - - - 4

NAYS—New Hampshire, Connecticut, Maryland, South Carolina, Georgia - - - - - 5

It was moved and seconded to strike out the fourteenth clause—

Which passed in the negative.

The question being again taken to strike out the word “make,” and to insert the word “declare,” in the fourteenth clause,

It passed in the affirmative.

YEAS—Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - - 8

NAY—New Hampshire - - - - - 1

It was moved and seconded to add the words “and “to make peace” to the fourteenth clause—

Which passed unanimously in the negative.

Separate questions having been taken on the ninth, tenth, eleventh, twelfth, and fourteenth clauses of the first section, seventh article, as amended—

They passed in the affirmative.

And the house adjourned till to-morrow, at 11 o'clock, A. M.

## SATURDAY, AUGUST 18, 1787.

The following additional powers, proposed to be vested in the legislature of the United States, having been submitted to the consideration of the convention,

It was moved and seconded to refer them to the committee to whom the proceedings of the convention were referred—

Which passed in the affirmative.

The propositions are as follow :

To dispose of the unappropriated lands of the United States.

To institute temporary governments for new states arising therein.

To regulate affairs with the Indians, as well within, as without the limits of the United States.

To exercise exclusively legislative authority at the seat of the general government, and over a district around the same, not exceeding        square miles ; the consent of the legislature of the state, or states comprising such district, being first obtained.

To grant charters of incorporation in cases where the publick good may require them, and the authority of a single state may be incompetent.

To secure to literary authors their copy rights for a limited time.

To establish a university.

To encourage, by proper premiums and provisions, the advancement of useful knowledge and discoveries.

To authorize the executive to procure and hold for the use of the United States, landed property for the erection of forts, magazines, and other necessary buildings.

To fix and permanently establish the seat of government of the United States, in which they shall possess the exclusive right of soil and jurisdiction.

To establish seminaries for the promotion of literature and the arts and sciences.

To grant charters of incorporation.

To grant patents for useful inventions.



To secure to authors exclusive rights for a certain time.

To establish publick institutions, rewards, and immunities, for the promotion of agriculture, commerce, trades, and manufactures.

That funds which shall be appropriated for payment of publick creditors shall not, during the time of such appropriation, be diverted, or applied to any other purpose; and to prepare a clause, or clauses, for restraining the legislature of the United States from establishing a perpetual revenue.

To secure the payment of the publick debt.

To secure all creditors, under the new constitution, from a violation of the publick faith, when pledged, by the authority of the legislature.

To grant letters of marque and reprisal.

To regulate stages on the post roads.

It was moved by Mr. Rutledge, and seconded, that a committee, to consist of a member from each state, be appointed to consider the necessity and expediency of the debts of the several states being assumed by the United States—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Virginia, North Carolina, South Carolina, Georgia - 6

NAYS—New Hampshire, New Jersey, Delaware, Maryland - 4

DIVIDED—Pennsylvania - 1

And a committee was appointed, by ballot, of the honourable Mr. Langdon, Mr. King, Mr. Sherman, Mr. Livingston, Mr. Clymer, Mr. Dickinson, Mr. M'Henry, Mr. Mason, Mr. Williamson, Mr. C. C. Pinckney, and Mr. Baldwin.

It was moved and seconded to agree to the following resolution, namely,

“Resolved, That this convention will meet punctually at 10 o’clock, every morning (Sundays excepted) and sit till four o’clock in the afternoon, at which time the President shall adjourn the convention; and that no motion for adjournment be allowed”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAYS—Pennsylvania, Maryland, - - - 2

It was moved and seconded to insert the words “and support,” between the word “raise” and the word “armies,” in the fourteenth clause, first section, seventh article—

Which passed in the affirmative.

It was moved and seconded to strike out the words “build and equip,” and to insert the words “provide and maintain,” in the fifteenth clause, first section, seventh article—

Which passed in the affirmative.

It was moved and seconded to insert the following as a sixteenth clause, in the first section of the seventh article :

“To make rules for the government and regulation of the land and naval forces”—

Which passed in the affirmative.

It was moved and seconded to annex the following proviso to the last clause :

“Provided, That in time of peace the army shall not consist of more than thousand men”—

Which passed in the negative.

It was moved and seconded to insert the following as a clause in the first section of the seventh article :

“To make laws for regulating and disciplining the militia of the several states, reserving to the several states the appointment of their militia officers.”

It was moved and seconded to postpone the last clause, in order to take up the following :

“To establish a uniformity of exercise and arms for the militia ; and rules for their government, when called into service under the authority of the United States ; and to establish and regulate a militia in any state where its legislature shall neglect to do it.”

It was moved and seconded to refer the two last motions to a committee—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - - - 8

NAYS—Connecticut, New Jersey - - - - - 2

DIVIDED—Maryland - - - - - 1

And they were referred to the committee of eleven.

And then the house adjourned till Monday next, at 10 o'clock, A. M.

## MONDAY, AUGUST 20, 1787.

It was moved and seconded to refer the following propositions to the committee of five—

Which passed in the affirmative.

Each house shall be the judge of its own privileges, and shall have authority to punish, by imprisonment, every person violating the same ; or who, in the place

where the legislature may be sitting, and during the time of its session, shall threaten any of its members for any thing said or done in the house ; or who shall assault any of them therefor ; or who shall assault or arrest any witness or other person ordered to attend either of the houses in his way going or returning ; or who shall rescue any person arrested by their order.

Each branch of the legislature, as well as the supreme executive, shall have authority to require the opinions of the supreme judicial court upon important questions of law, and upon solemn occasions.

The privileges and benefit of the writ of habeas corpus shall be enjoyed in this government in the most expeditious and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time not exceeding months.

The liberty of the press shall be inviolably preserved.

No troops shall be kept up in time of peace, but by consent of the legislature.

The military shall always be subordinate to the civil power, and no grants of money shall be made by the legislature for supporting military land forces for more than one year at a time.

No soldier shall be quartered in any house, in time of peace, without consent of the owner.

No person holding the office of President of the United States ; a judge of their supreme court ; secretary for the department of foreign affairs ; of finance ; of marine ; of war ; or of shall be capable of holding at the same time any other



office of trust or emolument under the United States, or an individual state.

No religious test, or qualification, shall ever be annexed to any oath of office under the authority of the United States.

The United States shall be forever considered as one body corporate and politick in law, and entitled to all the rights, privileges, and immunities which to bodies corporate do, or ought to appertain.

The legislature of the United States shall have the power of making the great seal, which shall be kept by the President of the United States, or, in his absence, by the president of the senate, to be used by them as the occasion may require. It shall be called the great seal of the United States, and shall be affixed to all laws.

All commissions and writs shall run in the name of the United States.

The jurisdiction of the supreme court shall be extended to all controversies between the United States and an individual state, or the United States and the citizens of an individual state.

To assist the President in conducting the publick affairs, there shall be a council of state composed of the following officers:

1. The chief justice of the supreme court, who shall, from time to time, recommend such alterations of, and additions to, the laws of the United States, as may in his opinion be necessary to the due administration of justice, and such as may promote useful learning and inculcate sound morality throughout the union. He shall be the president of the council, in the absence of the President.

2. The secretary of domestick affairs, who shall be appointed by the President, and hold his office during pleasure. It shall be his duty to attend to matters of general police, the state of agriculture and manufactures, the opening of roads and navigations, and the facilitating communications through the United States ; and he shall, from time to time, recommend such measures and establishments as may tend to promote those objects.

3. The secretary of commerce and finance, who shall also be appointed by the President during pleasure. It shall be his duty to superintend all matters relating to the publick finances, to prepare and report plans of revenue, and for the regulation of expenditures ; and also to recommend such things as may, in his judgment, promote the commercial interests of the United States.

4. The secretary of foreign affairs, who shall also be appointed by the President during pleasure. It shall be his duty to correspond with all foreign ministers, prepare plans of treaties, and consider such as may be transmitted from abroad ; and generally to attend to the interests of the United States, in their connexions with foreign powers.

5. The secretary of war, who shall be appointed by the President during pleasure. It shall be his duty to superintend every thing relating to the war department, such as the raising and equipping of troops, the care of military stores, publick fortifications, arsenals, and the like ; also, in time of war, to prepare and recommend plans of offence and defence.

6. The secretary of the marine, who shall also be appointed by the President during pleasure. It shall

be his duty to superintend every thing relating to the marine department, the publick ships, dock-yards, naval stores and arsenals ; also, in time of war, to prepare and recommend plans of offence and defence.

The President shall also appoint a secretary of state, to hold his office during pleasure ; who shall be secretary of the council of state, and also publick secretary to the President. It shall be his duty to prepare all publick despatches from the President, which he shall countersign.

The President may, from time to time, submit any matter to the discussion of the council of state ; and he may require the written opinions of any one or more of the members ; but he shall in all cases exercise his own judgment, and either conform to such opinions, or not, as he may think proper. And every officer above mentioned shall be responsible for his opinion on the affairs relating to his particular department.

Each of the officers, above mentioned, shall be liable to impeachment, and removal from office, for neglect of duty, malversation, or corruption.

That the committee be directed to report qualifications for the President of the United States ; and a mode for trying the supreme judges in cases of impeachment.

It was moved and seconded to postpone the consideration of the seventeenth clause, first section, seventh article—

Which passed in the affirmative.

It was moved and seconded to insert the following clause in the first section, seventh article :

“ To make sumptuary laws ”—

Which passed in the negative.

YEAS—Delaware, Maryland, Georgia - 3

NAYS—New Hampshire, Massachusetts, Connecticut,  
New Jersey, Pennsylvania, Virginia, North Carolina,  
South Carolina, - - - - - 8

It was moved and seconded to insert the following  
clause in the first section of the seventh article :

“ To establish all offices ”—

Which passed in the negative.

YEAS—Massachusetts, Maryland - 2

NAYS—New Hampshire, Connecticut, New Jersey,  
Pennsylvania, Delaware, Virginia, North Carolina,  
South Carolina, Georgia - - - - - 9

On the question to agree to the last clause of the  
first section, seventh article, as reported,

It passed in the affirmative.

It was moved and seconded to insert the words  
“ some overt act of ” after the word “ in,” in the second  
section, seventh article ; and to strike out the word  
“ and ” before the words “ in adhering,” and to insert  
the word “ or ”—

Which passed in the affirmative.

It was moved and seconded to strike out the words  
“ or any of them,” second section, seventh article—

Which passed in the affirmative.

It was moved and seconded to refer the second sec-  
tion of the seventh article to a committee—

Which passed in the negative.

YEAS—New Jersey, Pennsylvania, Maryland, Vir-  
ginia, Georgia - - - - - 5

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, Delaware, South Carolina - - - - - 5

DIVIDED—North Carolina - - - - - 1



It was moved and seconded to postpone the consideration of the second section, seventh article, in order to take up the following :

“Whereas it is essential to the preservation of liberty to define, precisely and exclusively, what shall constitute the crime of treason, it is therefore ordained, declared, and established, that if a man do levy war against the United States, within their territories, or be adherent to the enemies of the United States within the said territories, giving to them aid and comfort within their territories, or elsewhere, and thereof be proveably attainted of open deed by the people of his condition, he shall be adjudged guilty of treason.”

On the question to postpone,

It passed in the negative.

YEAS—New Jersey, Virginia - - - 2

NAYS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - 8

It was moved and seconded to strike out the words “against the United States,” first line, second section, seventh article—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina, Georgia - - - 8

NAYS—Virginia, North Carolina - - - 2

It was moved and seconded to insert the words “to the same overt act” after the word “witnesses,” second section, seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-

cut, Pennsylvania, Delaware, Maryland, South Carolina, Georgia - - - 8

YEAS—New Jersey, Virginia, North Carolina 3

It was moved and seconded to strike the words “some overt act” out of the first line, second section, seventh article—

Which passed in the affirmative.

It was moved and seconded to insert the words “sole and exclusive” before the word “power,” in the second clause, second section, seventh article—

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Delaware, South Carolina, - - 5

YEAS—Connecticut, New Jersey, Maryland, Virginia, North Carolina, Georgia - - 6

It was moved and seconded to reinstate the words “against the United States,” in the first line, second section, seventh article—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Maryland, Virginia, North Carolina, Georgia - - 6

YEAS—New Hampshire, Massachusetts, Pennsylvania, Delaware, South Carolina - - 5

It was moved and seconded to strike out the words “of the United States,” in the third line, second section, seventh article—

Which passed in the affirmative.

It was moved and seconded to amend the first clause of the second section, seventh article, to read, “treason against the United States shall consist only in levying war against them, or in adhering to their enemies”—

Which passed in the affirmative.

It was moved and seconded to add the words "giving them aid and comfort," after the word "enemies," in the second section, seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina - - - 8

NAYS—Connecticut, Delaware, Georgia 3

It was moved and seconded to add, after the words "overt act," the words "or confession in open court," second section, seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, 7

NAYS—Massachusetts, South Carolina, Georgia 3

DIVIDED—North Carolina, - - 1

On the question to agree to the second section of the seventh article, as amended,

It passed in the affirmative.

It was moved and seconded to strike the words "white and other" out of the third section, seventh article—

Which passed in the affirmative.

It was moved and seconded to strike out the word "six," and to insert the word "three," in the third section of the seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - 9

NAYS—South Carolina, Georgia - 2

It was moved and seconded to add the following clause to the third section of the seventh article :

“That from the first meeting of the legislature of  
“the United States, until a census shall be taken, all  
“moneys for supplying the publick treasury, by direct  
“taxation, shall be raised from the several states ac-  
“cording to the number of their representation respec-  
“tively in the first branch.”

Before a question was taken on the last motion,  
The house adjourned.

## TUESDAY, AUGUST 21, 1787.

The honourable Mr. Livingston, from the committee  
of eleven, to whom were referred—

A proposition respecting the debts of the several  
states, entered on the journal of the 18th instant, and  
a proposition respecting the militia, entered on the  
journal of the 18th instant, informed the house that the  
committee were prepared to report, and had directed  
him to submit the same to the consideration of the  
house.

The report was then delivered in at the Secretary's  
table, and, being read throughout, is as follows :

“THE legislature of the United States shall have  
“power to fulfil the engagements which have been  
“entered into by Congress, and to discharge as well  
“the debts of the United States, as the debts incurred  
“by the several states, during the late war, for the com-  
“mon defence and general welfare.

“To make laws for organizing, arming, and disci-  
“plining the militia, and for governing such part of  
“them as may be employed in the service of the Unit-  
“ed States, reserving to the states respectively, the  
“appointment of the officers, and the authority of train-



“ing the militia according to the discipline prescribed  
“ by the United States.”

It was moved and seconded to postpone the consideration of the above report—

Which passed in the affirmative.

On the question to agree to the third section of the seventh article, as amended,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

NAY—Delaware - - - 1

It was moved and seconded to add the following clause to the third section of the seventh article :

“And all accounts of supplies furnished, services performed, and moneys advanced by the several states to the United States, or by the United States to the several states, shall be adjusted by the same rule.”

The last motion being withdrawn,

It was moved and seconded to add the following clause to the third section of the seventh article :

“ By this rule the several quotas of the states shall be determined in settling the expenses of the late war.”

It was moved and seconded to postpone the consideration of the last motion—

Which passed in the affirmative.

It was moved by Mr. Ellsworth, and seconded, to add the following clause to the third section of the seventh article :

“ That from the first meeting of the legislature of the United States, until a census shall be taken, all mo-

“neys for supplying the publick treasury, by direct taxation, shall be raised from the several states according to the number of their representatives respectively in the first branch.”

It was moved and seconded to annex the following amendment to the last motion :

“Subject to a final liquidation by the foregoing rule, when a census shall have been taken.”

On the question to agree to the amendment,

It passed in the affirmative.

On the question to agree to the proposition and amendment,

It passed in the negative.

YEAS—Massachusetts, South Carolina - 2

NAYS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia &

DIVIDED—North Carolina - - 1

On the question to take up the amendment offered to the twelfth section of the sixth article, entered on the journal of the 15th instant, and then postponed,

It passed in the negative.

YEAS—New Hampshire, Connecticut, Maryland, Virginia, North Carolina, - - - 5

NAYS—Massachusetts, New Jersey, Pennsylvania, Delaware, South Carolina, Georgia - - 6

It was moved by Mr. Martin, and seconded, to add the following clause to the third section, seventh article :

“And whenever the legislature of the United States shall find it necessary that revenue should be raised by direct taxation, having apportioned the same according to the above rule on the several states, requisitions shall be made of the respective states to pay into the continental treasury their respective quo-

“tas within a time in the said requisition specified; and  
 “in case of any of the states failing to comply with  
 “such requisitions, then, and then only, to devise and  
 “pass acts directing the mode and authorizing the col-  
 “lection of the same”—

Which passed in the negative.

YEA—New Jersey - - - 1

NAYS—Connecticut, Pennsylvania, Delaware, Virgi-  
 nia, North Carolina, South Carolina, Georgia 7

DIVIDED—Maryland - - - 1

It was moved and seconded to insert the following  
 clause after the word “duty,” in the first line, fourth  
 section, seventh article, “for the purpose of reve-  
 nue”—

Which passed in the negative.

YEAS—New Jersey, Pennsylvania, Delaware 3

NAYS—New Hampshire, Massachusetts, Connecti-  
 cut, Maryland, Virginia, North Carolina, South Caro-  
 lina, Georgia - - - 8

It was moved and seconded to amend the first clause  
 of the fourth section, seventh article, by inserting the  
 following words, “unless by consent of two thirds of  
 “the legislature”—

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, New Jer-  
 sey, Pennsylvania, Delaware - - - 5

NAYS—Connecticut, Maryland, Virginia, North Ca-  
 rolina, South Carolina, Georgia - - - 6

On the question to agree to the first clause of the  
 fourth section of the seventh article, as reported,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, Maryland, Vir-  
 ginia, North Carolina, South Carolina, Georgia 7

NAYS—New Hampshire, New Jersey, Pennsylvania, Delaware - - - - 4

It was moved and seconded to insert the word “free” before the word “persons,” in the fourth section of the seventh article.

Before the question was taken on the last motion,  
The house adjourned.

### WEDNESDAY, AUGUST 22, 1787.

The motion made yesterday to insert the word “free” before the word “persons,” in the fourth section of the seventh article, being withdrawn, it was moved and seconded to commit the two remaining clauses of the fourth section, and the fifth section of the seventh article—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New Hampshire, Pennsylvania, Delaware 3

It was moved and seconded to commit the sixth section of the seventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAYS—Connecticut, New Jersey - 2

And a committee (of a member from each state) was appointed by ballot, of the honourable Mr. Langdon, Mr. King, Mr. Johnston, Mr. Livingston, Mr. Clymer, Mr. Dickinson, Mr. L. Martin, Mr. Madison, Mr. Williamson, Mr. C. C. Pinckney, and Mr. Bald-



win, to whom the clauses of the fourth, fifth, and sixth sections were referred.

The honourable Mr. Rutledge, from the committee to whom sundry propositions were referred, on the 18th and 20th instant, informed the house that the committee were prepared to report.

He then read the report in his place ; and the same being delivered in at the Secretary's table, was again read throughout, and is as follows :

THE committee report, that in their opinion the following additions should be made to the report now before the convention, namely,

At the end of the first clause of the first section of the seventh article add, " for payment of the debts and  
" necessary expenses of the United States ; provided  
" that no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts or loans, shall continue in  
" force for more than                    years."

At the end of the second clause, second section, seventh article, add, " and with Indians, within the limits  
" of any state, not subject to the laws thereof."

At the end of the sixteenth clause of the second section, seventh article, add, " and to provide, as may become necessary, from time to time, for the well managing and securing the common property and general interests and welfare of the United States in such  
" manner as shall not interfere with the governments of  
" individual states, in matters which respect only their  
" internal police, or for which their individual authorities may be competent."

At the end of the first section, tenth article, add,  
" he shall be of the age of thirty five years, and a citi-

“zen of the United States, and shall have been an inhabitant thereof for twenty one years.”

After the second section of the tenth article, insert the following as a third section :

“The President of the United States shall have a privy council, which shall consist of the president of the senate, the speaker of the house of representatives, the chief justice of the supreme court, and the principal officer in the respective departments of foreign affairs, domestic affairs, war, marine, and finance, as such departments of office shall from time to time be established, whose duty it shall be to advise him in matters respecting the execution of his office, which he shall think proper to lay before them : but their advice shall not conclude him, nor affect his responsibility for the measures which he shall adopt.”

At the end of the second section of the eleventh article, add, “the judges of the supreme court shall be triable by the senate, on impeachment by the house of representatives.”

Between the fourth and fifth lines of the third section of the eleventh article, after the word “controversies,” insert “between the United States and an individual state, or the United States and an individual person.”

It was moved and seconded to rescind the orders of the house respecting the hours of meeting and adjournment—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania, Delaware, Maryland - - - - - 4

NAYS—New Hampshire, Connecticut, New Jersey, Virginia, North Carolina, South Carolina, Georgia 7

It was moved and seconded to insert the following clause after the second section of the seventh article :

“The legislature shall pass no bill of attainder, nor any *ex post facto* laws”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Delaware, Maryland, Virginia, South Carolina, Georgia 7

NAYS—Connecticut, New Jersey, Pennsylvania 3

DIVIDED—North Carolina - - 1

It was moved and seconded to take up the report of the committee of five.

It was moved and seconded to postpone the consideration of the report, in order that the members may furnish themselves with copies of the report—

Which passed in the affirmative.

YEAS—Massachusetts, New Jersey, Maryland, Virginia, North Carolina, Georgia - - 6

NAYS—New Hampshire, Connecticut, Pennsylvania, Delaware, South Carolina - - 5

It was moved and seconded to take up the report of the committee of eleven entered on the journal of the 21st instant—

Which passed in the affirmative.

It was moved by Mr. Morris, and seconded, to amend the first clause of the report to read as follows :

“The legislature shall fulfil the engagements and discharge the debts of the United States.”

It was moved and seconded to alter the amendment by striking out the words “discharge the debts,” and insert the words “liquidate the claims”—

Which passed in the negative.

On the question to agree to the clause as amended, namely,

“The legislature shall fulfil the engagements and discharge the debts of the United States”—

It passed unanimously in the affirmative.

It was moved and seconded to strike the following words out of the second clause of the report :

“And the authority of training the militia according to the discipline prescribed by the United States.”

Before the question was taken on the last motion,

The house adjourned.

#### THURSDAY, AUGUST 23, 1787.

It was moved and seconded to postpone the consideration of the second clause of the report of the committee of eleven, in order to take up the following :

“To establish a uniform and general system of discipline for the militia of these states, and to make laws for organizing, arming, disciplining, and governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and all authority over the militia, not herein given to the general government.”

On the question to postpone,

It passed in the negative.

YEAS—New Jersey, Maryland, Georgia 3

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina - - - - 8

It was moved by Mr. Ellsworth, and seconded, to postpone the consideration of the second clause of the report of the committee of eleven, in order to take up the following :



“To establish a uniformity of arms, exercise, and organization for the militia, and to provide for the government of them when called into the service of the United States.”

On the question to postpone,

It passed in the negative.

YEA—Connecticut - - - 1

NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

It was moved and seconded to recommit the second clause of the report of the committee of eleven—

Which passed in the negative.

On the question to agree to the first part of the second clause of the report, namely,

“To make laws for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - 9

NAYS—Connecticut, Maryland - 2

It was moved and seconded to amend the next part of the second clause of the report to read “reserving to the states, respectively, the appointment of the officers under the rank of general officers.”

It passed in the negative.

YEAS—New Hampshire, South Carolina 2

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - 9

On the question to agree to the following part of the second clause of the report, namely,

“Reserving to the states respectively the appointment of the officers”—

It passed in the affirmative.

On the question to agree to the following part of the second clause of the report, namely,

“And the authority of training the militia according to the discipline prescribed by the United States”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, North Carolina - - - - - 7

NAYS—Delaware, Virginia, South Carolina, Georgia 4

It was moved and seconded to agree to the seventh section of the seventh article, as reported—

Which passed unanimously in the affirmative.

It was moved and seconded to insert the following clause after the seventh section of the seventh article :

“No person holding any office of profit or trust under the United States, shall, without the consent of the legislature, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state”—

Which passed in the affirmative.

It was moved and seconded to amend the eighth article to read as follows :

“This constitution and the laws of the United States made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the several states and of their citizens and inhabitants ; and the judges in the several states shall be bound thereby in their decisions ; any

“ thing in the constitutions or laws of the several states  
“ to the contrary, notwithstanding”—

Which passed in the affirmative.

On the question to agree to the eighth article as amended,

It passed in the affirmative.

It was moved and seconded to strike the following words out of the eighteenth clause of the first section, seventh article : “ enforce treaties”—

Which passed in the affirmative.

It was moved and seconded to alter the first part of the eighteenth clause of the first section, seventh article, to read,

“ To provide for calling forth the militia to execute  
“ the laws of the union, suppress insurrections, and  
“ repel invasions”—

Which passed in the affirmative.

On the question to agree to the eighteenth clause of the first section, seventh article, as amended,

It passed in the affirmative.

It was moved and seconded to agree to the following proposition, as an additional power to be vested in the legislature of the United States :

“ To negative all laws passed by the several states  
“ interfering, in the opinion of the legislature, with the  
“ general interests and harmony of the union ; provid-  
“ ed that two thirds of the members of each house as-  
“ sent to the same.”

It was moved and seconded to commit the proposition—

Which passed in the negative.

**YEAS**—New Hampshire, Pennsylvania, Delaware, Maryland, Virginia - - - 5

**NAYS**—Massachusetts, Connecticut, New Jersey, North Carolina, South Carolina, Georgia - - - 6

The proposition was then withdrawn.

It was moved and seconded to amend the first section of the seventh article, to read,

“The legislature shall fulfil the engagements and  
“discharge the debts of the United States, and shall  
“have the power to lay and collect taxes, duties, im-  
“posts and excises”—

Which passed in the affirmative.

It was moved by Mr. Morris, and seconded, to amend the first clause of the first section, ninth article, to read,

“The senate shall have power to treat with foreign  
“nations ; but no treaty shall be binding on the United  
“States, which is not ratified by a law.”

It was moved and seconded to postpone the consideration of the amendment—

Which passed in the negative.

**YEAS**—New Jersey, Pennsylvania, Delaware, Maryland, Virginia - - - 5

**NAYS**—Massachusetts, Connecticut, North Carolina, South Carolina, Georgia - - - 5

On the question to agree to the amendment,

It passed in the negative.

**YEA**—Pennsylvania - - - 1

**NAYS**—Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, South Carolina, Georgia - - - 8

**DIVIDED**—North Carolina - - - 1

It was moved and seconded to postpone the conside-



ration of the first clause of the first section, ninth article—

Which passed in the affirmative.

It was moved and seconded to insert the words “and other publick ministers” after the word “ambassadors,” in the first section, ninth article—

Which passed in the affirmative.

Separate questions being taken on postponing the several clauses of the first section, ninth article,

They passed in the affirmative.

It was moved and seconded to take up the first section of the ninth article, in order to its being committed—

Which passed in the affirmative.

And it was referred to the committee of five.

And then the house adjourned.

## FRIDAY, AUGUST 24, 1787.

The honourable Mr. Livingston, from the committee of eleven, to whom were referred the two remaining clauses of the fourth section, and the fifth and sixth sections of the seventh article, informed the house that the committee were prepared to report.

The report was then delivered in at the Secretary's table, was once read, and is as follows :

STRIKE out so much of the fourth section of the seventh article, as was referred to the committee, and insert “the migration or importation of such persons as the several states, now existing, shall think proper to admit, shall not be prohibited by the legislature prior to the year 1800 ; but a tax or duty may be im-

“posed on such migration or importation at a rate not exceeding the average of the duties laid on imposts.”

The fifth section to remain as in the report.

The sixth section to be stricken out.

It was moved and seconded to reconsider the first clause, first section, seventh article—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Delaware, Virginia, South Carolina, Georgia 7

NAYS—New Hampshire, Maryland 2

And to-morrow was assigned for the reconsideration.

It was moved and seconded to postpone the consideration of the second and third sections, ninth article—

Which passed in the negative.

YEAS—New Hampshire, North Carolina, Georgia 3

NAYS—Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, South Carolina 7

It was moved and seconded to strike out the second and third sections of the ninth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, South Carolina 8

NAYS—North Carolina, Georgia 2

Separate questions being taken on the first, second, and third clauses of the first section, tenth article, as reported,

They passed in the affirmative.

It was moved and seconded to strike out the word “legislature,” and to insert the word “people,” in the first section, tenth article—

Which passed in the negative.

YEAS—Pennsylvania, Delaware 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 9

It was moved and seconded to insert the word “joint” before the word “ballot,” in the first section of the tenth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina - - - 7

NAYS—Connecticut, New Jersey, Maryland, Georgia - - - 4

It was moved and seconded to add, after the word “legislature,” in the first section, tenth article, the words “each state having one vote”—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Delaware, Maryland, Georgia - - - 5

NAYS—New Hampshire, Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina - - - 6

It was moved and seconded to insert after the word “legislature,” in the first section of the tenth article, the words “to which election a majority of the votes of the members present shall be required”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

NAY—New Jersey - - - 1

On the question to agree to the following clause:

“And in case the numbers for the two highest is



“votes should be equal, then the president of the senate shall have an additional casting voice”—

It passed in the negative.

It was moved and seconded to agree to the following amendment to the first section of the tenth article :

“Shall be chosen by electors to be chosen by the people of the several states”—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Virginia - - - 5

NAYS—New Hampshire, Massachusetts, Maryland, North Carolina, South Carolina, Georgia - 6

It was moved and seconded to postpone the consideration of the two last clauses of the first section, tenth article—

Which passed in the negative.

It was moved and seconded to refer the two last clauses of the first section, tenth article, to a committee of a member from each state—

Which passed in the negative.

YEAS—New Jersey, Pennsylvania, Delaware, Maryland, Virginia - - - 5

NAYS—New Hampshire, Massachusetts, North Carolina, South Carolina, Georgia - - - 5

DIVIDED—Connecticut - - - 1

On the question to agree to the following clause,

“Shall be chosen by electors”—

It passed in the negative.

YEAS—New Jersey, Pennsylvania, Delaware, Virginia - - - 4

NAYS—New Hampshire, North Carolina, South Carolina, Georgia - - - 4

DIVIDED—Connecticut, Maryland - 2



The consideration of the remaining clauses of the first section, tenth article, was postponed till to-morrow, on the request of the deputies of the state of New Jersey.

On the question to transpose the word "information," and to insert it after the word "legislature," in the first clause of the second section, tenth article,

It passed in the affirmative.

It was moved and seconded to strike out the words "he may," and to insert the word "and" before the word "recommend," in the second clause of the second section, tenth article—

Which passed in the affirmative.

It was moved and seconded to insert the word "and" after the word "occasions," in the second section, tenth article—

Which passed in the affirmative.

It was moved and seconded to insert the word "shall" before the words "think proper," second section, tenth article—

Which passed in the affirmative.

It was moved and seconded to strike out the word "officers," and to insert the words "to offices," after the word "appoint," in the second section of the tenth article—

Which passed in the affirmative.

It was moved and seconded to insert the words "or by law," after the word "constitution," in the second section of the tenth article—

Which passed in the negative.

YEA—Connecticut

- - - 1

NAYS—New Hampshire, Massachusetts, New Jersey,

Pennsylvania, Delaware, Maryland, Virginia, South  
 Carolina, Georgia - - - - 9

It was moved by Mr. Dickinson, and seconded, to  
 strike out the words "and shall appoint to offices in  
 "all cases not otherwise provided for by this consti-  
 "tution," and to insert the following :

"And shall appoint to all offices established by this  
 "constitution, except in cases herein otherwise provid-  
 "ed for, and to all offices which may hereafter be cre-  
 "ated by law"—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Ma-  
 ryland, Virginia, Georgia - - - - 6

NAYS—New Hampshire, Massachusetts, Delaware,  
 South Carolina - - - - 4

It was moved and seconded to add the following  
 clause to the last amendment :

"Except where, by law, the appointment shall be  
 "vested in the executives of the several states"—

Which passed in the negative.

It was moved and seconded to agree to the following  
 order :

"That the order respecting the adjournment at four  
 "be repealed, and that in future the house assemble at  
 "ten, and adjourn at three"—

Which passed unanimously in the affirmative.

The house adjourned.

## SATURDAY, AUGUST 25, 1787.

It was moved by Mr. Randolph, and seconded, to  
 postpone the first clause of the first section, seventh ar-  
 ticle, in order to take up the following amendment :

“ All debts contracted and engagements entered into, by or under the authority of Congress, shall be as valid against the United States under this constitution as under the confederation”—

Which passed in the affirmative.

On the question to agree to the amendment,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

NAY—Pennsylvania - - - 1

It was moved and seconded to add the following clause to the first clause of the first section, seventh article :

“ For the payment of said debts, and for the defraying the expenses that shall be incurred for the common defence and general welfare”—

Which passed in the negative.

YEA—Connecticut - - - 1

NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 10

It was moved and seconded to amend the report of the committee of eleven, entered on the journal of the 24th instant, as follows :

To strike out the words “ the year eighteen hundred,” and to insert the words “ the year eighteen hundred and eight”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, Georgia - - - 7

NAYS—New Jersey, Pennsylvania, Delaware, Virginia - - - 4

It was moved and seconded to amend the first clause of the report to read,

“ The importation of slaves into such of the states as shall permit the same, shall not be prohibited by the legislature of the United States until the year 1808”—

Which passed in the negative.

YEAS—Connecticut, Virginia, Georgia - 3

NAYS—New Hampshire, Massachusetts, Pennsylvania, Delaware, North Carolina, South Carolina 6

DIVIDED—Maryland - - - 1

On the question to agree to the first part of the report as amended, namely,

“ The migration or importation of such persons as the several states now existing shall think proper to admit, shall not be prohibited by the legislature prior to the year 1808”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, Georgia - - - 7

NAYS—New Jersey, Pennsylvania, Delaware, Virginia - - - 4

It was moved and seconded to strike out the words “ average of the duties laid on imports,” and to insert the words “ common impost on articles not enumerated”—

Which passed in the affirmative.

It was moved and seconded to amend the second clause of the report, to read,

“ But a tax or duty may be imposed on such importation, not exceeding ten dollars for each person”—

Which passed in the affirmative.



On the question to agree to the second clause of the report, as amended,

It passed in the affirmative.

On the question to postpone the further consideration of the report,

It passed in the affirmative.

It was moved and seconded to amend the eighth article, to read,

“ This constitution, and the laws of the United States  
“ which shall be made in pursuance thereof, and all  
“ treaties made or which shall be made under the au-  
“ thority of the United States, shall be the supreme  
“ law of the several states, and of their citizens and in-  
“ habitants; and the judges in the several states shall  
“ be bound thereby in their decisions, any thing in the  
“ constitutions or laws of the several states to the con-  
“ trary, notwithstanding”—

Which passed in the affirmative.

It was moved and seconded to agree to the following propositions :

“ The legislature of the United States shall not  
“ oblige vessels belonging to the citizens thereof, or to  
“ foreigners, to enter or pay duties, or imposts, in any  
“ other state than in that to which they may be bound,  
“ or to clear out in any other than the state in which  
“ their cargoes may be laden on board; nor shall any  
“ privilege or immunity be granted to any vessels, on  
“ entering, clearing out, or paying duties or imposts in  
“ one state in preference to another.

“ Should it be judged expedient by the legislature of  
“ the United States, that one or more ports for collect-  
“ ing duties or imposts, other than those ports of  
“ entrance and clearance already established by the

“ respective states, should be established, the legisla-  
“ ture of the United States shall signify the same to the  
“ executive of the respective states, ascertaining the  
“ number of such ports judged necessary, to be laid by  
“ the said executives before the legislatures of the  
“ states at their next session; and the legislature of  
“ the United States shall not have the power of fixing  
“ or establishing the particular ports for collecting du-  
“ ties or imposts in any state, except the legislature of  
“ such state shall neglect to fix and establish the same  
“ during their first session to be held after such notifi-  
“ cation by the legislature of the United States to the  
“ executive of such state.

“ All duties, imposts, and excises, prohibitions or  
“ restraints, laid or made by the legislature of the  
“ United States, shall be uniform and equal throughout  
“ the United States.”

It was moved and seconded to refer the above pro-  
positions to a committee of a member from each state—

Which passed in the affirmative.

And a committee was appointed, by ballot, of the  
honourable Mr. Langdon, Mr. Gorham, Mr. Sherman,  
Mr. Dayton, Mr. Fitzsimons, Mr. Read, Mr. Carroll,  
Mr. Mason, Mr. Williamson, Mr. Butler and Mr. Few.

It was moved and seconded to add the words  
“ and other publick ministers” after the word “ am-  
“ bassadors,” second section, tenth article—

Which passed unanimously in the affirmative.

It was moved and seconded to strike the words  
“ and may correspond with the supreme executives of  
“ the several states,” out of the second section, tenth  
article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAY—Maryland - - - 1

It was moved and seconded to insert the words “except in cases of impeachment” after the word “pardons,” second section, tenth article—

Which passed in the affirmative.

On the question to agree to the following clause, “but his pardon shall not be pleadable in bar”—

It passed in the negative.

YEAS—New Hampshire, Maryland, North Carolina, South Carolina - - - 4

NAYS—Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, Georgia - - 6

The house adjourned.

## MONDAY, AUGUST 27, 1787.

It was moved and seconded to insert the words “after conviction,” after the words “reprieves and “pardons,” second section, tenth article. (Motion withdrawn.)

It was moved and seconded to amend the clause giving the command of the militia to the executive, to read,

“And of the militia of the several states when called “into the actual service of the United States”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, Pennsylvania, Maryland, Virginia, Georgia - - 6

NAYS—Delaware, South Carolina - 2

It was moved and seconded to postpone the consideration of the following clause, second section, tenth article :

“ He shall be removed from his office, on impeachment by the house of representatives, and conviction in the supreme court, of treason, bribery, or corruption”—

Which passed in the affirmative.

It was moved and seconded to postpone the last clause of the second section, tenth article—

Which passed in the affirmative.

It was moved and seconded to add the following clause to the oath of office to be taken by the supreme executive :

“ And will, to the best of my judgment and power, preserve, protect, and defend the constitution of the United States”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, Pennsylvania, Maryland, Virginia, South Carolina, Georgia 7

NAY—Delaware - - - - - 1

It was moved and seconded to insert the words, “ both in law and equity” after the words “ United States,” first line, first section, eleventh article—

Which passed in the affirmative.

On the question to agree to the first section, eleventh article, as amended,

It passed in the affirmative.

It was moved and seconded to add the following clause after the word “ behaviour,” second section, eleventh article :

“ Provided that they may be removed by the executive, on the application by the senate and house of representatives”—

Which passed in the negative.

YEA—Connecticut - - - - - 1



NAYS—New Hampshire, Pennsylvania, Delaware,  
Maryland, Virginia, South Carolina, Georgia 7

On the question to agree to the second section of  
the eleventh article, as reported,

It passed in the affirmative.

YEAS—New Hampshire, Connecticut, Pennsylvania,  
Virginia, South Carolina, Georgia - - 6

NAYS—Delaware, Maryland - - 2

It was moved and seconded to insert the words  
“increased or,” before the word “diminished,” in  
the second section, eleventh article—

Which passed in the negative.

YEA—Virginia - - - 1

NAYS—New Hampshire, Connecticut, Pennsylvania,  
Delaware, South Carolina - - 5

DIVIDED—Maryland - - - 1

It was moved and seconded to add the following  
words to the second section, eleventh article :

“Nor increased by any act of the legislature which  
shall operate before the expiration of three years  
after the passing thereof”—

Which passed in the negative.

YEAS—Maryland, Virginia - - 2

NAYS—New Hampshire, Connecticut, Pennsylvania,  
Delaware, South Carolina - - 5

It was moved and seconded to postpone the follow-  
ing clause, third section, eleventh article :

“To the trial of impeachments of officers of the  
“United States”—

Which was passed in the affirmative.

It was moved and seconded to add the following  
words after the word “controversies,” third section,  
eleventh article :

“To which the United States shall be a party”—

Which passed in the affirmative.

It was moved and seconded to insert the words “this constitution the,” before the word “laws,” second line, third section, eleventh article—

Which passed in the affirmative.

It was moved and seconded to strike out the words “passed by the legislature,” and to insert after the words “United States,” the words “and treaties made or which shall be made under their authority”—

Which passed in the affirmative.

It was moved and seconded to insert the word “controversies” before the words “between two or”—

Which passed in the affirmative.

It was moved and seconded to postpone the following clause: “in cases of impeachment”—

Which passed in the affirmative.

It was moved and seconded to insert the words “the United States or,” before the words “a state shall be a party”—

Which passed in the affirmative.

It was moved and seconded to agree to the following amendment:

“In all the other cases before mentioned, original jurisdiction shall be in the courts of the several states, but with appeal, both as to law and fact, to the courts of the United States, with such exceptions and under such regulations as the legislature shall make.”

The last motion being withdrawn,

It was moved and seconded to amend the clause, to read,

“In cases of impeachment, cases affecting ambassadors, other publick ministers and consuls, and those

“ in which a state shall be party, this jurisdiction shall  
 “ be original. In all the other cases before mention-  
 “ ed, it shall be appellate, both as to law and fact,  
 “ with such exceptions, and under such regulations, as  
 “ the legislature shall make”—

Which passed in the affirmative.

It was moved and seconded to add the following clause  
 to the last amendment :

“ But in cases in which the United States shall be  
 “ a party, the jurisdiction shall be original, or appellate,  
 “ as the legislature may direct.”

It was moved and seconded to amend the amend-  
 ment, by striking out the words “ original or”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, Maryland,  
 Virginia, South Carolina, Georgia - - - 6

NAYS—Pennsylvania, Delaware - - - 2

The question was then taken on the amendment as  
 amended—

Which passed in the negative.

YEAS—New Hampshire, Pennsylvania, Delaware 3

NAYS—Connecticut, Maryland, Virginia, South Ca-  
 rolina, Georgia - - - 5

On the question to reconsider the third section,  
 eleventh article,

It passed in the affirmative.

It was moved and seconded to strike out the words  
 “ the jurisdiction of the supreme court,” and to insert  
 the words “ the judicial power”—

Which passed in the affirmative.

It was moved and seconded to strike out the words  
 “ this jurisdiction shall be original,” and to insert the  
 words “ the supreme court shall have original juris-  
 “ diction”—

Which passed in the affirmative.

It was moved and seconded to agree to the following amendment :

“ In all the other cases before mentioned, the judicial power shall be exercised in such manner as the legislature shall direct”—

Which passed in the negative.

YEAS—Delaware, Virginia - - - 2

NAYS—New Hampshire, Connecticut, Pennsylvania, Maryland, South Carolina, Georgia - - 6

It was moved and seconded to strike out the last clause of the third section, eleventh article—

Which passed unanimously in the affirmative.

It was moved and seconded to insert the words “ both in law and equity,” before the word “ arising,” in the first line, third section, eleventh article—

Which passed in the affirmative.

It was moved and seconded to insert after the words “ between citizens of different states,” the words “ between citizens of the same state claiming lands under grants of different states”—

Which passed in the affirmative.

The house adjourned.

## TUESDAY, AUGUST 28, 1787.

The honourable Mr. Sherman, from the committee to whom were referred several propositions entered on the journal of the 25th instant, informed the house that the committee were prepared to report. The report was then delivered in at the Secretary's table, was read, and is as follows :



THE committee report that the following be inserted after the fourth clause of the seventh section :

“ Nor shall any regulation of commerce or revenue  
“ give preference to the ports of one state over those of  
“ another, or oblige vessels bound to or from any  
“ state, to enter, clear, or pay duties in another.

“ And all tonnage, duties, imposts and excises, laid  
“ by the legislature, shall be uniform throughout the  
“ United States.”

It was moved and seconded to strike out the words  
“ it shall be appellate,” and insert the words “ the  
“ supreme court shall have appellate jurisdiction,”  
third section, eleventh article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut,  
Pennsylvania, Delaware, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

NAY—Maryland - - - 1

It was moved and seconded to amend the fourth section of the eleventh article, to read as follows :

“ The trial of all crimes (except in cases of impeachment)  
“ shall be by jury ; and such trial shall be held  
“ in the state where the said crimes shall have been  
“ committed ; but when not committed within any state,  
“ then the trial shall be at such place or places as the  
“ legislature may direct”—

Which passed in the affirmative.

It was moved and seconded to add the following amendment to the fourth section, eleventh article :

“ The privilege of the writ of habeas corpus shall  
“ not be suspended ; unless where, in cases of rebellion  
“ or invasion, the publick safety may require it”—

Which passed in the affirmative.

On the question to agree to the fifth section, eleventh article, as reported,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia 7

NAYS—North Carolina, South Carolina, Georgia 3

It was moved and seconded to insert the words “nor emit bills of credit,” after the word “money,” in the twelfth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, North Carolina, South Carolina, Georgia - - - 8

NAY—Virginia - - - 1

DIVIDED—Maryland - - - 1

It was moved and seconded to insert the following clause after the last amendment:

“Nor make any thing but gold and silver coin a tender in payment of debts”—

Which passed unanimously in the affirmative, eleven states being present.\*

It was moved and seconded to add the following clause to the last amendment:

“Nor pass any bill of attainder, or ex post facto laws”—

Which passed in the affirmative.

YEAS—New Hampshire, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, Georgia 7

NAYS—Connecticut, Maryland, Virginia 3

\* New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

It was moved and seconded to insert after the word  
 “reprisal,” the words, “nor lay embargoes”—

Which passed in the negative.

YEAS—Massachusetts, Delaware, South Carolina 3

NAYS—New Hampshire, Connecticut, New Jersey,  
 Pennsylvania, Maryland, Virginia, North Carolina,  
 Georgia - - - - - 8

It was moved and seconded to transfer the following  
 words from the thirteenth to the twelfth article:

“Nor lay imposts, or duties, on imports”—

Which passed in the negative.

YEAS—New Hampshire, New Jersey, Delaware,  
 North Carolina - - - - - 4

NAYS—Massachusetts, Connecticut, Pennsylvania,  
 Maryland, Virginia, South Carolina, Georgia 7

Separate questions being taken on the several clauses  
 of the twelfth article, as amended,

They passed in the affirmative.

It was moved and seconded to insert after the word  
 “imports,” in the thirteenth article, the words “or  
 “exports”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey,  
 Pennsylvania, Delaware, North Carolina - 6

NAYS—Connecticut, Maryland, Virginia, South Ca-  
 rolina, Georgia - - - - - 5

It was moved and seconded to add, after the word  
 “exports,” in the thirteenth article, the words “nor  
 “with such consent but for the use of the treasury of  
 “the United States”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey,

Pennsylvania, Delaware, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

NAVS—Massachusetts, Maryland - - - 2

The question being taken on the first clause of the  
thirteenth article,

It passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey,  
Pennsylvania, Delaware, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

NAVS—Massachusetts, Maryland - - - 2

Separate questions being taken on the several clauses  
of the thirteenth article, as amended,

They passed in the affirmative.

On the question to agree to the fourteenth article, as  
reported,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, Maryland,  
Virginia, North Carolina - - - 9

NAY—South Carolina - - - 1

DIVIDED—Georgia - - - 1

It was moved and seconded to strike out the words  
“high misdemeanour,” and insert the words “other  
“crime”—

Which passed in the affirmative.

On the question to agree to the fifteenth article, as  
amended,

It passed in the affirmative.

The house adjourned.



## WEDNESDAY, AUGUST 29, 1787.

It was moved and seconded to commit the sixteenth article, together with the following proposition :

“ To establish uniform laws upon the subject of  
“ bankruptcies, and respecting the damages arising  
“ on the protest of foreign bills of exchange”—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - 9

NAYS—New Hampshire, Massachusetts 2

It was moved and seconded to commit the following proposition :

“ Whensoever the act of any state, whether legislative, executive, or judiciary, shall be attested and  
“ exemplified under the seal thereof, such attestation  
“ and exemplification shall be deemed, in other states,  
“ as full proof of the existence of that act ; and its  
“ operation shall be binding in every other state, in all  
“ cases to which it may relate, and which are within  
“ the cognizance and jurisdiction of the state wherein  
“ the said act was done”—

Which passed in the affirmative.

It was moved and seconded to commit the following proposition :

“ Full faith ought to be given in each state to the  
“ publick acts, records, and judicial proceedings of every other state ; and the legislature shall, by general  
“ laws, determine the proof and effect of such acts, records, and proceedings”—

Which passed in the affirmative.

And the foregoing propositions, together with the sixteenth article, were referred to the honourable Mr. Rutledge, Mr. Randolph, Mr. Gorham, Mr. Wilson, and Mr. Johnson.

It was moved and seconded to postpone the report of the committee entered on the journal on the 24th instant, to take up the following proposition :

“ That no act of the legislature for the purpose of  
“ regulating the commerce of the United States with  
“ foreign powers, or among the several states, shall be  
“ passed without the assent of two thirds of the mem-  
“ bers of each house”—

Which passed in the negative.

YEAS—Maryland, Virginia, North Carolina, Georgia - - - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, South Carolina - - - - - 7

On the question to agree to the report of the committee of eleven, entered on the journal of the 24th instant,

It passed in the affirmative.

It was moved and seconded to agree to the following proposition to be inserted after the fifteenth article :

“ If any person bound to service or labour, in any  
“ of the United States, shall escape into another state,  
“ he or she shall not be discharged from such service  
“ or labour, in consequence of any regulations subsist-  
“ ing in the state to which they escape ; but shall be  
“ delivered up to the person justly claiming their ser-  
“ vice or labour”—

Which passed unanimously in the affirmative.

It was moved and seconded to strike out the two last clauses in the seventeenth article—

Which passed in the affirmative.

It was moved and seconded to strike the following words out of the seventeenth article :

“ But to such admission the consent of two thirds of  
“ the members present in each house shall be neces-  
“ sary.”

And on the question being taken,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, North Ca-  
rolina, South Carolina, Georgia - - 9

NAYS—Maryland, Virginia - - 2

It was moved and seconded to agree to the following proposition as a substitute for the seventeenth article :

“ New states may be admitted by the legislature into  
“ the union ; but no new state shall be erected within  
“ the limits of any of the present states, without the  
“ consent of the legislature of such state, as well as of  
“ the general legislature.”

Separate questions being taken on the different clauses of the proposition,

They passed in the affirmative.

YEAS—Massachusetts, Pennsylvania, Virginia, North  
Carolina, South Carolina, Georgia - - 6

NAYS—New Hampshire, Connecticut, New Jersey,  
Delaware, Maryland - - 5

The house adjourned.

THURSDAY, AUGUST 30, 1787.

It was moved and seconded to postpone the substi-

tute for the seventeenth article, agreed to yesterday, in order to take up the following amendment :

“ The legislature shall have power to admit other  
“ states into the union, and new states to be formed  
“ by the division or junction of states now in the  
“ union, with the consent of the legislature of such  
“ states”—

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, South Carolina - 5

NAYS—New Jersey, Delaware, Maryland, Virginia, North Carolina, Georgia - 6

It was moved and seconded to commit the substitute for the seventeenth article agreed to yesterday.

And on the question being taken,

It passed in the negative.

YEAS—New Jersey, Delaware, Maryland - 3

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - 8

It was moved and seconded to strike out the words “ the limits,” and to insert the words “ the jurisdiction,” in the substitute offered to the seventeenth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia - 7

NAYS—New Jersey, North Carolina, South Carolina, Georgia - 4

It was moved and seconded to insert the words “ hereafter formed or,” after the words “ shall be,” in the substitute for the seventeenth article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-



cut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAYS—Delaware, Maryland - - - 2

It was moved and seconded to postpone the consideration of the substitute to the seventeenth article, as amended, in order to take up the following proposition from Maryland :

“ The legislature of the United States shall have  
 “ power to erect new states within as well as without  
 “ the territory claimed by the several states, or either  
 “ of them, and admit the same into the union : pro-  
 “ vided, that nothing in this constitution shall be con-  
 “ strued to affect the claim of the United States to va-  
 “ cant lands ceded to them by the late treaty of  
 “ peace”—

Which passed in the negative.

YEAS—New Jersey, Delaware, Maryland - - - 3

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 8

On the question to agree to the substitute offered to the seventeenth article, amended, as follows :

“ New states may be admitted by the legislature into  
 “ the union ; but no new state shall be hereafter form-  
 “ ed or erected within the jurisdiction of any of the  
 “ present states without the consent of the legislature  
 “ of such state, as well as of the general legislature”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 8

NAYS—New Jersey, Delaware, Maryland - - - 3

It was moved and seconded to add the following clause to the last amendment :

“ Nor shall any state be formed by the junction of  
“ two or more states or parts thereof, without the con-  
“ sent of the legislatures of such states, as well as of  
“ the legislature of the United States”—

Which passed in the affirmative.

It was moved and seconded to add the following clause to the last amendment :

“ Provided nevertheless, that nothing in this consti-  
“ tution shall be construed to affect the claim of the  
“ United States to vacant lands ceded to them by the  
“ late treaty of peace.”

The last motion being withdrawn,

It was moved and seconded to agree to the following proposition :

“ Nothing in the constitution shall be construed to  
“ alter the claims of the United States, or of the indi-  
“ vidual states, to the western territory ; but all such  
“ claims may be examined into and decided upon by  
“ the supreme court of the United States.”

It was moved and seconded to postpone the last proposition, in order to take up the following :

“ The legislature shall have power to dispose of and  
“ make all needful rules and regulations respecting the  
“ territory or other property belonging to the United  
“ States. And nothing in this constitution contained  
“ shall be so construed as to prejudice any claims  
“ either of the United States, or of any particular  
“ state.”

It was moved and seconded to add the following clause to the last proposition :

“ But all such claims may be examined into and

“decided upon by the supreme court of the United States”—

Which passed in the negative.

YEAS—New Jersey, Maryland - 2

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, South Carolina, Georgia - 8

On the question to agree to the following proposition :

“The legislature shall have power to dispose of  
“and make all needful rules and regulations respecting the territory or other property belonging to the  
“United States ; and nothing in this constitution contained shall be so construed as to prejudice any  
“claims either of the United States, or of any particular state”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia 10

NAY—Maryland - 1

On the motion to agree to the first clause of the eighteenth article,

It passed in the affirmative.

It was moved and seconded to strike out the word  
“foreign,” in the eighteenth article—

Which passed in the affirmative.

It was moved and seconded to strike out the words  
“on the application of its legislature against”—

Which passed in the negative.

YEAS—New Jersey, Pennsylvania, Delaware 5

NAYS—New Hampshire, Massachusetts, Connecticut

cut, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - - 8

It was moved and seconded to strike out the words "domestick violence," and insert the word "insurrections," in the eighteenth article—

Which passed in the negative.

YEAS—New Jersey, Virginia, North Carolina, South Carolina, Georgia - - - - 5

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland - - - 6

It was moved and seconded to insert the words "or executive," after the word "legislature"—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, Georgia - - - - 8

NAYS—Massachusetts, Virginia - - - - 2

It was moved and seconded to add the following clause to the last amendment :

"In the recess of the legislature"—

Which passed in the negative.

YEA—Maryland - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - 10

Separate questions being taken on the several clauses of the eighteenth article, as amended,

They passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - - 9

NAYS—Delaware, Maryland - - - - 2



On the question to agree to the nineteenth article, as reported,

It passed in the affirmative.

It was moved and seconded to add the words "or affirmation," after the word "oath," twentieth article—

Which passed in the affirmative.

On the question to agree to the twentieth article, as amended,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Virginia, South Carolina, Georgia - - - - 8

NAY—North Carolina - - - - 1

DIVIDED—Connecticut, Maryland - - - - 2

It was moved and seconded to add the following clause to the twentieth article :

" But no religious test shall ever be required as a qualification to any office or publick trust under the authority of the United States"—

Which passed unanimously in the affirmative.

It was moved and seconded to take up the report of the committee of eleven—

Which passed in the negative.

YEAS—New Jersey, Delaware, Maryland 3

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - - 8

The house adjourned.

## FRIDAY, AUGUST 31, 1787.

It was moved and seconded to insert the words

“between the said states,” after the word “constitution,” in the twenty-first article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAY—Maryland - - - 1

It was moved and seconded to postpone the consideration of the twenty-first article, to take up the reports of the committees which have not been acted on—

Which passed in the negative.

YEAS—New Hampshire, Pennsylvania, Delaware, Maryland, Georgia - - - 5

NAYS—Massachusetts, New Jersey, Virginia, North Carolina, South Carolina - - - 5

DIVIDED—Connecticut - - - 1

It was moved and seconded to postpone the twenty-first, in order to take up the twenty-second article.

And on the question being taken,

It passed in the negative.

YEAS—Connecticut, Pennsylvania, Delaware, Maryland, Virginia - - - 5

NAYS—New Hampshire, Massachusetts, New Jersey, North Carolina, South Carolina, Georgia - - - 6

It was moved and seconded to strike the words “conventions of” out of the twenty-first article—

Which passed in the negative.

YEAS—Connecticut, Pennsylvania, Maryland, Georgia - - - 4

NAYS—New Hampshire, Massachusetts, New Jersey, Delaware, Virginia, South Carolina - - - 6

It was moved and seconded to fill up the blank in the twenty-first article with the word "thirteen"—

Which passed in the negative.

YEAS—Maryland - - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, South Carolina, Georgia - - - - - 9

It was moved and seconded to fill up the blank in the twenty-first article with the word "ten"—

Which passed in the negative.

YEAS—Connecticut, New Jersey, Maryland, Georgia - - - - - 4

NAYS—New Hampshire, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina - - - - - 7

It was moved and seconded to fill up the blank in the twenty-first article, as follows :

"Any seven or more states entitled to thirty-three members at least in the house of representatives, according to the allotment made in the third section, fourth article."

It was moved and seconded to fill up the blank in the twenty-first article with the word "nine"—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Georgia - - - - - 8

On the question to agree to the twenty-first article, as amended,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - - - - - 10

NAY—Maryland - - - - - 1

It was moved and seconded to strike the words “ for  
“ their approbation” out of the twenty second article—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, Pennsylvania,  
Delaware, Virginia, North Carolina, South Carolina 7

NAYS—Massachusetts, New Jersey, Maryland, Georgia - - - - - 4

It was moved and seconded to agree to the following  
amendment to the twenty-second article :

“ This constitution shall be laid before the United  
“ States in Congress assembled. And it is the opinion  
“ of this convention that it should afterwards be sub-  
“ mitted to a convention chosen in each state, in order  
“ to receive the ratification of such convention : to  
“ which end the several legislatures ought to provide  
“ for the calling conventions within their respective  
“ states as speedily as circumstances will permit”—

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, Pennsyl-  
vania, Delaware - - - - - 4

NAYS—Connecticut, New Jersey, Maryland, Vir-  
ginia, North Carolina, South Carolina, Georgia 7

It was moved and seconded to postpone the conside-  
ration of the twenty-second article—

Which passed in the negative.

YEAS—New Jersey, Maryland, North Carolina 3

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, Pennsylvania, Delaware, Virginia, South Carolina,  
Georgia - - - - - 8

On the question to agree to the twenty-second arti-  
cle, as amended,

It passed in the affirmative.



YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia - 10

NAY—Maryland - 1

It was moved and seconded to fill up the blank in the twenty-third article with the word “ nine”—

Which passed in the affirmative.

It was moved and seconded to agree to the twenty-third article as far as the words “ assigned by Congress,” inclusive—

Which passed in the affirmative.

It was moved and seconded to postpone the remainder of the twenty-third article—

Which passed in the negative.

YEAS—Massachusetts, Delaware, Virginia, North Carolina - 4

NAYS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Maryland, South Carolina, Georgia - 7

It was moved and seconded to strike the words “ choose the President of the United States and” out of the twenty-third article—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, Georgia - 8

NAYS—New Hampshire, South Carolina - 2

DIVIDED—Maryland - 1

On the question to agree to the twenty-third article, as amended,

It passed in the affirmative.

It was moved and seconded to take up the report of the committee of eleven, entered on the journal of the 28th instant.

On the question to agree to the following clause of the report, to be inserted after the fourth section of the seventh article,

“Nor shall any regulation of commerce or revenue give preference to the ports of one state over those of another”—

It passed in the affirmative.

On the question to agree to the following clause in the report :

“Or oblige vessels bound to or from any state to enter, clear, or pay duties in another”—

It passed in the affirmative.

It was moved and seconded to strike out the word “tonnage”—

Which passed in the affirmative.

On the question to agree to the following clause of the report:

“And all duties, imposts, and excises, laid by the legislature, shall be uniform throughout the United States”—

It passed in the affirmative.

YEAS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia

8

NAYS—New Hampshire, South Carolina

2

It was moved and seconded to refer such parts of the constitution as have been postponed, and such parts of reports as have not been acted on, to a committee of a member from each state—

Which passed in the affirmative.

And a committee was appointed, by ballot, of the honourable Mr. Gilman, Mr. King, Mr. Sherman, Mr. Brearly, Mr. G. Morris, Mr. Dickinson, Mr. Carroll,

Mr. Madison, Mr. Williamson, Mr. Butler and Mr. Baldwin.

It was moved and seconded to adjourn.

Passed in the affirmative.

YEAS—Massachusetts, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia 7

NAY—Connecticut - - - - - 1

DIVIDED—New Hampshire - - - - - 1

The house adjourned.

## SATURDAY, SEPTEMBER 1, 1787.

The honourable Mr. Brearly, from the committee of eleven, to whom such parts of the constitution as have been postponed, and such parts of reports as have not been acted on, were referred, informed the house that the committee were prepared to report partially.

The following report was then read :

THAT in lieu of the ninth section of the sixth article, the following be inserted :

“ The members of each house shall be ineligible to  
“ any civil office under the authority of the United  
“ States during the time for which they shall respec-  
“ tively be elected ; and no person holding any office  
“ under the United States shall be a member of either  
“ house during his continuance in office.”

The honourable Mr. Rutledge, from the committee to whom sundry propositions, entered on the journal of the 28th ultimo, were referred, informed the house that the committee were prepared to report.

The following report was then read :

THAT the following additions be made to the report, namely,

After the word "states," in the last line, on the margin of the third page, add,

"To establish uniform laws on the subject of bankruptcies ;"

And insert the following as the sixteenth article, namely,

"Full faith and credit ought to be given in each state to the publick acts, records, and judicial proceedings of every other state; and the legislature shall, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect which judgments obtained in one state shall have in another."

It was moved and seconded to adjourn till Monday next, at 10 o'clock, A. M.

### MONDAY, SEPTEMBER 3, 1787.

It was moved by Mr. Morris, and seconded, to strike out the words, "judgments obtained in one state shall have in another," and to insert the word "thereof," after the word "effect," in the report from the committee of five, entered on the journal of the 1st inst.—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey, Pennsylvania, North Carolina, South Carolina 6

NAYS—Maryland, Virginia, Georgia - 3

It was moved and seconded to strike out the words "ought to," and to insert the word "shall;" and to strike out the word "shall," and insert the word "may," in the report entered on the journal of the 1st inst.—



Which passed in the affirmative.

On the question to agree to the report amended as follows :

“ Full faith and credit shall be given in each state  
“ to the publick acts, records, and judicial proceed-  
“ ings of every other state ; and the legislature may,  
“ by general laws, prescribe the manner in which such  
“ acts, records, and proceedings shall be proved, and  
“ the effects thereof”—

It passed in the affirmative.

On the question to agree to the following clause of the report,

“ To establish uniform laws on the subject of bank-  
“ ruptcies”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, New Jer-  
sey, Pennsylvania, Maryland, Virginia, North Caroli-  
na, South Carolina, Georgia - - 9

NAY—Connecticut - - - 1

It was moved and seconded to adjourn.

Passed in the negative.

YEAS—Maryland, Virginia - - 2

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, North Carolina, South  
Carolina, Georgia - - - 8

It was moved and seconded to postpone the consi-  
deration of the report from the committee of eleven,  
entered on the journal of the 1st instant, in order to  
take up the following :

“ The members of each house shall be incapable of  
“ holding any office under the United States, for which  
“ they, or any other for their benefit, receive any  
“ salary, fees, or emoluments of any kind ; and the ac-

“ ceptance of such office shall vacate their seats respectively.”

On the question to postpone,

It passed in the negative.

YEAS—Pennsylvania, North Carolina, - 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Maryland, Virginia, South Carolina, Georgia - 8

It was moved and seconded to adjourn.

Passed in the negative.

YEAS—Pennsylvania, Maryland, Virginia, North Carolina - 4

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, South Carolina, Georgia - 6

It was moved and seconded to insert the word “ created,” before the word “ during,” in the report of the committee of eleven—

Which passed in the negative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Virginia, North Carolina - 5

NAYS—Connecticut, New Jersey, Maryland, South Carolina, Georgia - 5

It was moved and seconded to insert the words “ created, or the emoluments whereof shall have been “ increased,” before the word “ during,” in the report of the committee.

On the question being taken, the votes were,

YEAS—New Hampshire, Massachusetts, Pennsylvania, Virginia, North Carolina - 5

NAYS—Connecticut, New Jersey, Maryland, South Carolina - 4

DIVIDED—Georgia - 1

The same question was taken again—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Virginia, North Carolina - - - 5

NAYS—Connecticut, Maryland, South Carolina 3

DIVIDED—Georgia - - - 1

Separate questions having been taken on the report as amended,

They passed in the affirmative.

And the report as amended is as follows :

“ The members of each house shall be ineligible to  
 “ any civil office under the authority of the United  
 “ States, created, or the emoluments whereof shall  
 “ have been increased, during the time for which  
 “ they shall respectively be elected ; and no person  
 “ holding any office under the United States shall be  
 “ a member of either house during his continuance in  
 “ office.”

The house then adjourned.

## TUESDAY, SEPTEMBER 4, 1787.

The honourable Mr. Brearly, from the committee of eleven, informed the house, that the committee were prepared to report partially. He then read the report in his place. It was afterwards delivered in at the secretary's table ; and was again read, and is as follows :

THE committee of eleven, to whom sundry resolutions, &c. were referred on the 31st ultimo, report,

That in their opinion the following additions and alterations should be made to the report before the convention, namely,

1. The first clause of the first section of the seventh article to read as follows : “ the legislature shall have

“ power to lay and collect taxes, duties, imposts and  
“ excises, to pay the debts, and provide for the com-  
“ mon defence and general welfare of the United  
“ States.”

2. At the end of the second clause of the first section, seventh article, add, “ and with the Indian tribes.”

3. In the place of the ninth article, first section, to be inserted, “ The senate of the United States  
“ shall have power to try all impeachments; but no  
“ person shall be convicted without the concurrence  
“ of two thirds of the members present.”

4. After the word excellency, in the first section, tenth article, to be inserted, “ He shall hold his office  
“ during the term of four years, and, together with  
“ the vice president, chosen for the same term, be  
“ elected in the following manner :

5. “ Each state shall appoint, in such manner as  
“ its legislature may direct, a number of electors,  
“ equal to the whole number of senators and mem-  
“ bers of the house of representatives, to which the  
“ state may be entitled in the legislature.

6. “ The electors shall meet in their respective  
“ states, and vote by ballot for two persons, of whom  
“ one at least shall not be an inhabitant of the same  
“ state with themselves; and they shall make a list of  
“ all the persons voted for, and of the number of votes  
“ for each, which list they shall sign and certify, and  
“ transmit sealed to the seat of the general govern-  
“ ment, directed to the president of the senate.

7. “ The president of the senate shall, in that house,  
“ open all the certificates; and the votes shall be then  
“ and there counted. The person having the greatest  
“ number of votes shall be the president, if such num-



“ber, be a majority of the whole number of the electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the senate shall choose by ballot one of them for president ; but if no person have a majority, then, from the five highest on the list, the senate shall choose by ballot the president. And in every case, after the choice of the president, the person having the greatest number of votes shall be vice president. But if there should remain two or more who have equal votes, the senate shall choose from them the vice president.

8. “The legislature may determine the time of choosing and assembling the electors, and the manner of certifying and transmitting the votes.

“SECT. 2. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of the constitution, shall be eligible to the office of president ; nor shall any person be elected to that office who shall be under the age of thirty-five years, and who has not been, in the whole, at least fourteen years a resident within the United States.

“SECT. 3. The vice president shall be ex officio president of the senate, except when they sit to try the impeachment of the president, in which case the chief justice shall preside ; and excepting, also, when he shall exercise the powers and duties of president, in which case, and in case of his absence, the senate shall choose a president pro tempore. The vice president, when acting as president of the senate, shall not have a vote, unless the house be equally divided.

“SECT. 4. The president, by and with the advice

“ and consent of the senate, shall have power to make  
“ treaties : and he shall nominate, and by and with  
“ the advice and consent of the senate, shall appoint  
“ ambassadors, and other publick ministers, judges of  
“ the supreme court, and all other officers of the Unit-  
“ ed States, whose appointments are not otherwise  
“ herein provided for. But no treaty, except treaties  
“ of peace, shall be made without the consent of two  
“ thirds of the members present.”

After the words “into the service of the United  
“ States,” in the second section, tenth article, add,  
“ and may require the opinion in writing of the prin-  
“ cipal officer in each of the executive departments,  
“ upon any subject relating to the duties of their  
“ respective offices.”

The latter part of the second section, tenth article,  
to read as follows :

“ He shall be removed from his office on impeach-  
“ ment by the house of representatives, and conviction  
“ by the senate, for treason, or bribery ; and in case  
“ of his removal as aforesaid, death, absence, resig-  
“ nation, or inability to discharge the powers or duties  
“ of his office, the vice president shall exercise those  
“ powers and duties until another president be chosen,  
“ or until the inability of the president be removed.”

On the question to agree to the first clause of the  
report,

It passed in the affirmative.

On the question to agree to the second clause of the  
report,

It passed in the affirmative.

It was moved and seconded to postpone the conside-  
ration of the third clause of the report—

Which passed in the affirmative.

It was moved and seconded to postpone the consideration of the remainder of the report—

Which passed in the negative.

YEA—North Carolina - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - 10

After some time passed in debate,

It was moved and seconded to postpone the consideration of the remainder of the report, and that the members take copies thereof—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Delaware, Maryland, Virginia, South Carolina, Georgia 7

NAYS—Connecticut, New Jersey, Pennsylvania 3

It was moved and seconded to refer the following motion to the committee of eleven :

To prepare and report a plan for defraying the expenses of this convention—

Which passed in the affirmative.

It was moved and seconded to adjourn—

Which passed unanimously in the affirmative.

The house adjourned.

### WEDNESDAY, SEPTEMBER 5, 1787.

The honourable Mr. Brearly, from the committee of eleven, informed the house that the committee were prepared to report farther. He then read the report in his place; and the same being delivered in at the secretary's table, was again read, and is as follows :

To add to the clause “ to declare war,” the words “ and grant letters of marque and reprisal.”

To add to the clause "to raise and support armies," the words, "but no appropriation of money to that use shall be for a longer term than two years."

Instead of the twelfth section of the sixth article, say—

"All bills for raising revenue shall originate in the house of representatives, and shall be subject to alterations and amendments by the senate. No money shall be drawn from the treasury but in consequence of appropriations made by law."

Immediately before the last clause of the first section of the seventh article—

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of the legislature, become the seat of the government of the United States; and to exercise like authority over all places purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

"To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

On the question to agree to the first clause of the report,

It passed in the affirmative.

On the question to agree to the second clause of the report,

It passed in the affirmative.

It was moved and seconded to postpone the consideration of the third clause of the report—



Which passed in the affirmative.

It was moved and seconded to insert the following words after the word "purchased," in the fourth clause of the report: "by the consent of the legislature of the state"—

Which passed in the affirmative.

On the question to agree to the fourth clause of the report, as amended,

It passed in the affirmative.

On the question to agree to the fifth clause of the report,

It passed in the affirmative.

The following resolution and order, reported from the committee of eleven, were read:

"Resolved, That the United States in Congress be requested to allow, and cause to be paid to the secretary and other officers of this convention, such sums, in proportion to their respective times of service, as are allowed to the secretary and similar officers of Congress.

"Ordered, That the secretary make out, and transmit to the treasury office of the United States, an account for the said services, and for the incidental expenses of this convention."

Separate questions being taken on the foregoing resolve and order,

They passed in the affirmative.

It was moved and seconded to take up the remainder of the report from the committee of eleven, entered on the journal of the 4th instant.

It was moved and seconded to postpone the consideration of the report, in order to take up the following:

“ He shall be elected by joint ballot by the legisla-  
 “ ture, to which election a majority of the votes of  
 “ the members present shall be required. He shall  
 “ hold his office during the term of seven years ; but  
 “ shall not be elected a second time.”

On the question to postpone,

It passed in the negative.

YEAS—North Carolina, South Carolina - 2

NAYS—Massachusetts, Connecticut, New Jersey,  
 Pennsylvania, Delaware, Maryland, Virginia, Geor-  
 gia - - - - 8

DIVIDED—New Hampshire - - - 1

It was moved and seconded to strike out the words  
 “ if such number be a majority of that of the electors”—

Which passed in the negative.

YEA—North Carolina - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut,  
 New Jersey, Pennsylvania, Delaware, Maryland, Vir-  
 ginia, South Carolina, Georgia - 10

It was moved and seconded to strike out the word  
 “ senate,” and insert the word “ legislature”—

Which passed in the negative.

YEAS—Pennsylvania, Virginia, South Carolina 3

NAYS—Massachusetts, Connecticut, New Jersey,  
 Delaware, Maryland, North Carolina, Georgia 7

DIVIDED—New Hampshire - - - 1

It was moved and seconded to strike out the words  
 “ such majority,” and to insert the words “ one  
 “ third”—

Which passed in the negative.

YEAS—Virginia, North Carolina - 2

NAYS—New Hampshire, Massachusetts, Connecti-  
 cut, New Jersey, Pennsylvania, Delaware, Maryland,  
 South Carolina, Georgia - - - 9

It was moved and seconded to strike out the word  
“five,” and insert three”—

Which passed in the negative.

YEAS—Virginia, North Carolina - 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina, Georgia - - 9

It was moved and seconded to strike out the word  
“five,” and to insert the word “thirteen”—

Which passed in the negative.

YEAS—North Carolina, South Carolina - 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia - - - 9

It was moved and seconded to add after the word  
“electors,” the words “who shall have balloted”—

Which passed in the negative.

YEAS—Pennsylvania, Maryland, Virginia, North Carolina - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, South Carolina, Georgia 7

It was moved and seconded to add, after the words  
“if such number be a majority of the whole number  
“of the electors,” the word “appointed”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina, Georgia - - - 9

NAYS—Virginia, North Carolina - 2

It was moved and seconded to insert after the words  
“The legislature may determine the time of choosing  
“and assembling the electors,” the words “and of  
“their giving their votes”—

Which passed in the affirmative.

The house adjourned.

## THURSDAY, SEPTEMBER 6, 1787.

It was moved and seconded to insert the following words after the words "may be entitled in the legislature," in the fifth clause of the report, entered on the journal of the 4th instant :

"But no person shall be appointed an elector who is a member of the legislature of the United States, or who holds any office of profit or trust under the United States"—

Which passed in the affirmative.

It was moved and seconded to insert the word "seven," instead of "four," in the fourth clause of the report—

Which passed in the negative.

YEAS—New Hampshire, Virginia, North Carolina 3

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina, Georgia - - - - - 8

It was moved and seconded to insert the word "six," instead of "four"—

Which passed in the negative.

YEAS—North Carolina, South Carolina - 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia - - - - - 9

The question being put, to agree to the word "four"—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - 10



NAY—North Carolina - - - 1

On the question to agree to the fourth clause of the report, as follows :

“ He shall hold his office during the term of four  
“ years, and together with the vice president, chosen  
“ for the same term, be elected in the following man-  
“ ner”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, Maryland,  
Virginia, South Carolina, Georgia - 10

NAY—North Carolina - - - 1

On the question upon the fifth clause of the report,  
prescribing the appointment of electors,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, Maryland,  
Virginia, Georgia - - - 9

NAYS—North Carolina, South Carolina 2

It was moved and seconded to agree to the follow-  
ing clause :

“ That the electors meet at the seat of the general  
“ government”—

Which passed in the negative.

YEA—North Carolina 1

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, Maryland,  
Virginia, South Carolina, Georgia - 10

It was moved and seconded to insert the words  
“ under the seal of the state,” after the word “ trans-  
“ mit,” in the sixth clause of the report—

Which passed in the negative.

It was moved and seconded to agree to the sixth clause of the report—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - 10

NAY—North Carolina - - - 1

It was moved and seconded to agree to the words “the person having the greatest number of votes shall be president,” in the seventh clause of the report—

Which passed in the affirmative.

YEAS—New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 8

NAYS—Massachusetts, Connecticut - - - 2

DIVIDED—New Hampshire - - - 1

It was moved and seconded to agree to the words “if such number be a majority of the whole number of the electors appointed”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, South Carolina, Georgia - - - 8

NAYS—Pennsylvania, Virginia, North Carolina 3

It was moved and seconded to insert the words “in presence of the senate and house of representatives,” after the word “counted”—

Which passed in the affirmative.

YEAS—New Hampshire, Maryland, Virginia, North Carolina, South Carolina, Georgia - 6

NAYS—Connecticut, New Jersey, Pennsylvania, Delaware - - - 4

It was moved and seconded to insert the words  
 “and who shall have given their votes,” after the word  
 “appointed,” in the seventh clause of the report”—

Which passed in the negative.

YEAS—Massachusetts, Pennsylvania, Virginia,  
 North Carolina, South Carolina - 5

NAYS—New Hampshire, Connecticut, New Jersey,  
 Delaware, Maryland, Georgia - 6

It was moved and seconded to insert the word “im-  
 mediately,” before the word “choose”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
 cut, New Jersey, Pennsylvania, Delaware, Maryland,  
 Virginia, South Carolina, Georgia - 10

NAY—North Carolina - - - 1

It was moved and seconded to insert the words  
 “of the electors,” after the word “votes”—

Which passed unanimously in the affirmative.

It was moved and seconded to agree to the follow-  
 ing clause :

“But the election shall be on the same day through-  
 out the United States,” after the words “trans-  
 mitting their votes”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, Pennsylva-  
 nia, Maryland, Virginia, North Carolina, South Caro-  
 lina, Georgia - - - 8

NAYS—Massachusetts, New Jersey, Delaware 3

It was moved and seconded to strike out the words  
 “the senate shall immediately choose by ballot, &c.”  
 and to insert the words, “the house of representa-  
 tives shall immediately choose by ballot one of them

“ for president, the members from each state having  
“ one vote”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia 10

NAY—Delaware - - - 1

It was moved and seconded to agree to the following amendment :

“ But a quorum for this purpose shall consist of a  
“ member or members from two thirds of the states”—

Which passed unanimously in the affirmative.

On the question to agree to the following amendment :

“ And also of a majority of the whole number of  
“ the house of representatives”—

It passed in the negative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina - - - 5

NAYS—New Hampshire, New Jersey, Delaware, Maryland, South Carolina, Georgia - 6

On the question to agree to the following paragraph of the report,

“ And in every case after the choice of the president, the person having the greatest number of votes  
“ shall be the vice president ; but if there should remain two or more who have equal votes, the senate  
“ shall choose from them the vice president”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia - 10

NAY—North Carolina - - - 1



The several amendments being agreed to, on separate questions, the first section of the report is as follows :

“ He shall hold the office during the term of four  
“ years ; and, together with the vice president, chosen  
“ for the same term, be elected in the following man-  
“ ner :

“ Each state shall appoint, in such manner as its  
“ legislature may direct, a number of electors equal to  
“ the whole number of senators and members of the  
“ house of representatives to which the state may be  
“ entitled in the legislature :

“ But no person shall be appointed an elector, who  
“ is a member of the legislature of the United States,  
“ or who holds any office of profit or trust under the  
“ United States.

“ The electors shall meet in their respective states,  
“ and vote by ballot for two persons, of whom one at  
“ least shall not be an inhabitant of the same state with  
“ themselves. And they shall make a list of all the  
“ persons voted for, and of the number of votes for  
“ each, which list they shall sign and certify, and  
“ transmit sealed to the seat of the general govern-  
“ ment, directed to the president of the senate.

“ The president of the senate shall, in the presence  
“ of the senate and house of representatives, open all  
“ the certificates, and the votes shall then be counted.

“ The person having the greatest number of votes  
“ shall be the president (if such number be a majority  
“ of the whole number of the electors appointed ;)  
“ and if there be more than one who have such  
“ majority, and have an equal number of votes, then  
“ the house of representatives shall immediately

“ choose by ballot one of them for president ; the  
“ representation from each state having one vote. But  
“ if no person have a majority, then from the five  
“ highest on the list, the house of representatives  
“ shall, in like manner, choose by ballot the president.  
“ In the choice of a president, by the house of rep-  
“ resentatives, a quorum shall consist of a member  
“ or members from two thirds of the states ; and the  
“ concurrence of a majority of all the states shall be  
“ necessary to such choice. And in every case, after  
“ the choice of the president, the person having the  
“ greatest number of votes of the electors shall be the  
“ vice president. But if there should remain two or  
“ more who have equal votes, the senate shall choose  
“ from them the vice president.

“ The legislature may determine the time of choos-  
“ ing the electors, and of their giving their votes ; and  
“ the manner of certifying and transmitting their votes.  
“ But the election shall be on the same day through-  
“ out the United States.”

The house adjourned.

### FRIDAY, SEPTEMBER 7, 1787.

It was moved and seconded to insert the following clause after the words “ throughout the United States,” in the first section of the report :

“ The legislature may declare by law what officer  
“ of the United States shall act as president, in case  
“ of the death, resignation, or disability of the presi-  
“ dent and vice president ; and such officer shall act  
“ accordingly, until such disability be removed, or a  
“ president shall be elected”—

Which passed in the affirmative.

YEAS—New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Georgia - - - 6

NAYS—Massachusetts, Connecticut, Delaware, North Carolina - - - 4

DIVIDED—New Hampshire - - - 1

It was moved and seconded to insert the following amendment after the words “a member or members” from two thirds of the states,” in the first section of the report: “and a concurrence of a majority of all the states shall be necessary to make such choice”—

Which passed in the affirmative.

On the question to agree to the second section of the report,

It passed in the affirmative.

The question being taken on the first clause of the third section of the report,

“The vice president shall be *ex officio* president of the senate”—

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, South Carolina, Georgia - - - 8

NAYS—New Jersey, Maryland - - - 2

Separate questions having been taken on the several clauses of the third section of the report—

They passed in the affirmative.

It was moved and seconded to insert the words “and the house of representatives,” after the word “senate,” in the first clause of the fourth section of the report—

Which passed in the negative.

YEA—Pennsylvania - - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut,  
New Jersey, Delaware, Maryland, Virginia, North  
Carolina, South Carolina, Georgia - - - 10

It was moved and seconded to substitute the words  
“foreign ministers,” instead of “ambassadors and  
“other publick ministers,” in the second clause of the  
fourth section of the report—

Which passed in the negative.

YEAS—Pennsylvania, Maryland, North Carolina,  
South Carolina - - - - - 4

NAYS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Delaware, Virginia, Georgia - 7

It was moved and seconded to amend the second  
clause of the fourth section of the report to read—

“Ambassadors, other publick ministers, and con-  
suls”—

Which passed unanimously in the affirmative.

A question was taken on the words “judges of the  
“supreme court”—

Which passed unanimously in the affirmative.

A question was taken upon the words “and all  
“other officers”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Delaware, Maryland, Virginia,  
North Carolina, Georgia - - - - - 9

NAYS—Pennsylvania, South Carolina - - - 2

It was moved by Mr. Madison, and seconded, to  
postpone the consideration of the fourth section of the  
report, in order to take up the following :

“That it be an instruction to the committee of the  
“states to prepare a clause or clauses for establishing



“ an executive council, or a council of state, for the  
 “ president of the United States, to consist of six  
 “ members, two of which from the eastern, two from  
 “ the middle, and two from the southern states, with a  
 “ rotation and duration of office, similar to that of the  
 “ senate ; such council to be appointed by the legisla-  
 “ ture or by the senate.”

On the question to postpone,

It passed in the negative.

YEAS—Maryland, South Carolina, Georgia 3.

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina - - - - 8

It was moved and seconded to agree to the following clause :

“ That the president shall have power to fill up all  
 “ vacancies that may happen during the recess of the  
 “ senate, by granting commissions which shall expire  
 “ at the end of the next session of the senate”—

Which passed in the affirmative.

It was moved and seconded to insert the words  
 “ except treaties of peace,” after the word treaty, in  
 the fourth section of the report—

Which passed in the affirmative.

On the question to agree to the fourth section of the  
 report as amended,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Delaware, Maryland, Virginia, North Carolina, South Carolina - - - - 8

NAYS—New Jersey, Pennsylvania, Georgia 3

It was moved and seconded to postpone the following clause of the report :

“ And may require the opinion in writing of the  
 “ principal officer in each of the executive depart-  
 “ ments, upon any subject relating to the duties of  
 “ their respective offices”—

Which passed in the negative.

YEAS—Maryland, Virginia, Georgia - 3

NAYS—New Hampshire, Massachusetts, Connecticut,  
 New Jersey, Pennsylvania, Delaware, North Carolina,  
 South Carolina - 8

On the question to agree to the clause,

It passed unanimously in the affirmative.

It was moved and seconded to agree to the following amendment :

“ But no treaty of peace shall be entered into,  
 “ whereby the United States shall be deprived of any  
 “ of their present territory or rights, without the concurrence  
 “ of two thirds of the members of the senate  
 “ present.”

The house adjourned.

### SATURDAY, SEPTEMBER 8, 1787.

It was moved and seconded to strike the words  
 “ except treaties of peace,” out of the fourth section  
 of the report—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut,  
 Pennsylvania, Virginia, North Carolina, South Carolina,  
 Georgia - 8

NAYS—New Jersey, Delaware, Maryland - 3

It was moved and seconded to strike out the last  
 clause of the fourth section of the report—

Which passed in the negative.

YEAS—Delaware - - - 1

NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 9

DIVIDED—Connecticut - - - 1

It was moved and seconded to agree to the following amendment :

“ Two thirds of all the members of the senate to make a treaty”—

Which passed in the negative.

YEAS—North Carolina, South Carolina, Georgia 3

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia - - - 8

It was moved and seconded to agree to the following amendment :

“ A majority of all the members of the senate to make a treaty”—

Which passed in the negative.

YEAS—Massachusetts, Connecticut, Delaware, South Carolina, Georgia - - - 5

NAYS—New Hampshire, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina - - - 6

It was moved and seconded to agree to the following amendment :

“ No treaty shall be made unless two thirds of the whole number of senators be present”—

Which passed in the negative.

YEAS—Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 5

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware - - - 6

It was moved and seconded to agree to the following amendment :

“ But no treaty shall be made before all the members of the senate are summoned, and shall have time to attend”—

Which passed in the negative.

YEAS—North Carolina, South Carolina, Georgia 3

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia - - - - - 8

It was moved and seconded to agree to the following amendment :

“ Neither shall any appointment be made as aforesaid, unless to offices established by the constitution, or by law”—

Which passed in the negative.

YEAS—Massachusetts, Connecticut, New Jersey, North Carolina, Georgia - - - - - 5

NAYS—New Hampshire, Pennsylvania, Delaware, Maryland, Virginia, South Carolina - - - - - 6

It was moved and seconded to insert the words “ or other high crimes and misdemeanors against the state,” after the word “ bribery”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Maryland, Virginia, North Carolina, Georgia 7

NAYS—New Jersey, Pennsylvania, Delaware, South Carolina - - - - - 4

It was moved and seconded to strike out the words “ by the senate,” after the word “ conviction”—

Which passed in the negative.

YEAS—Pennsylvania, Virginia - - - - - 2

NAYS—New Hampshire, Massachusetts, Connecti-



cut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia - 9

It was moved and seconded to strike out the word "state," after the word "against," and to insert the words "United States"—

Which passed unanimously in the affirmative.

On the question to agree to the last clause of the report,

It passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia 10

NAY—Pennsylvania - - 1

It was moved and seconded to add the following clause after the words "United States :"

"The vice president and other civil officers of the United States shall be removed from office on impeachment and conviction as aforesaid"—

Which passed unanimously in the affirmative.

It was moved and seconded to amend the third clause of the report, entered on the journal of the fifth instant, to read as follows, instead of the twelfth section, sixth article :

"All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills. No money shall be drawn from the treasury but in consequence of appropriations made by law"—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - 9

NAYS—Delaware, Maryland - - 2

It was moved and seconded to amend the third clause of the report, entered on the journal of the 4th instant, to read as follows :

In the place of the first section, ninth article, insert,  
 “ The senate of the United States shall have power  
 “ to try all impeachments ; but no person shall be  
 “ convicted without the concurrence of two thirds of  
 “ the members present : and every member shall be  
 “ on oath”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia - - 9

NAYS—Pennsylvania, Virginia - 2

It was moved and seconded to agree to the following clause :

“ The legislature shall have the sole right of establishing offices not herein provided for”—

Which passed in the negative.

YEAS—Massachusetts, Connecticut, Georgia 3

NAYS—New Hampshire, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina - - - 8

It was moved and seconded to amend the said clause of the second section, tenth article, to read,

“ He may convene both or either of the houses on  
 “ extraordinary occasions”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Delaware, Maryland, North Carolina, Georgia 7

NAYS—Massachusetts, Pennsylvania, Virginia, South Carolina - - - 4

It was moved and seconded to appoint a committee

of five to revise the style of, and arrange the articles agreed to by the house—

Which passed in the affirmative.

And a committee was appointed, by ballot, of the honourable Mr. Johnson, Mr. Hamilton, Mr. G. Morris, Mr. Madison, and Mr. King.

The house adjourned.

# MONDAY, SEPTEMBER 10, 1787.

It was moved and seconded to reconsider the third section of the fourth article, which prescribes the number of the house of representatives—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Maryland, Virginia, North Carolina	-	-	-	5
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NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, South Carolina, Georgia				6
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It was moved and seconded to reconsider the nineteenth article—

Which passed in the affirmative.

YEAS—Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia	-	-	-	9
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NAY—New Jersey	-	-		1
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DIVIDED—New Hampshire	-	-		1
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It was moved and seconded to amend the nineteenth article, by adding the following clause :

“ Or the legislature may propose amendments to  
“ the several states, for their approbation ; but no  
“ amendment shall be binding, until consented to by  
“ the several states.”

It was moved and seconded to insert the words "two thirds of," before the words "the several states"—

Which passed in the negative.

YEAS—New Hampshire, Pennsylvania, Delaware, Maryland, Virginia 5

NAYS—Massachusetts, Connecticut, New Jersey, North Carolina, South Carolina, Georgia 6

It was moved and seconded to insert the words "three fourths"—

Which passed unanimously in the affirmative.

It was moved and seconded to postpone the consideration of the amendment, in order to take up the following:

"The legislature of the United States, whenever two thirds of both houses shall deem necessary, or on the application of two thirds of the legislatures of the several states, shall propose amendments to this constitution, which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by three fourths at least of the legislatures of the several states, or by conventions in three fourths thereof; as one or the other mode of ratification may be proposed by the legislature of the United States: provided, that no amendments which may be made prior to the year 1808, shall in any manner affect the fourth and fifth sections of article the seventh."

On the question to postpone,

It passed in the affirmative.

On the question to agree to the last amendment,

It passed in the affirmative.

YEAS—Massachusetts, Connecticut, New Jersey,



Pennsylvania, Maryland, Virginia, North Carolina,  
South Carolina, Georgia - - - 9

NAY—Delaware - - - 1

DIVIDED—New Hampshire - - - 1

It was moved and seconded to reconsider the twenty-first and twenty-second articles—

Which, the question being separately put upon each article, passed in the affirmative.

YEAS—Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, Georgia - 7

NAYS—Massachusetts, Pennsylvania, South Carolina - - - 3

DIVIDED—New Hampshire - - - 1

It was moved and seconded to postpone the twenty-first article, in order to take up the following :

“ Resolved, That the foregoing plan of a constitution be transmitted to the United States, in Congress assembled, in order that, if the same shall be agreed to by them, it may be communicated to the legislatures of the several states, to the end that they may provide for its final ratification, by referring the same to the consideration of a convention of deputies in each state, to be chosen by the people thereof; and that it be recommended to the said legislatures, in their respective acts for organizing such convention, to declare that, if the said convention shall approve of the said constitution, such approbation shall be binding and conclusive upon the state; and further, that if the said convention should be of opinion that the same, upon the assent of any new states thereto, ought to take effect between the states so assenting, such opinion shall thereupon be also bind-

“ing upon such state; and the said constitution shall  
“take effect between the states assenting thereto.”

On the question to postpone,

It passed in the negative.

YEA—Connecticut - - - 1

NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

On the question to agree to the twenty-first article,

It passed unanimously in the affirmative.

It was moved and seconded to restore the words  
“for their approbation,” to the twenty-second article.

It passed in the negative.

It was moved and seconded to refer the following to the committee of revision:

“That it be an instruction to the committee to prepare an address to the people to accompany the present constitution, and to be laid with the same, before the United States in Congress”—

Which passed in the affirmative.

## TUESDAY, SEPTEMBER 11, 1787.

The house met. But the committee of revision not having reported, and there being no business before the convention—

The house adjourned.

## WEDNESDAY, SEPTEMBER 12, 1787.

The honourable Mr. Johnson, from the committee of revision, informed the house, that the committee were prepared to report the constitution as revised

and arranged. The report was then delivered in at the secretary's table; and having been once read throughout,

Ordered, That the members be furnished with printed copies thereof.

## REVISED DRAFT OF THE CONSTITUTION,

REPORTED SEPTEMBER 12, 1787, BY THE COMMITTEE  
OF REVISION.\*

WE the people of the United States, in order to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

### ARTICLE I.

Sect. 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Sect. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not

\* Paper furnished by general Bloomfield. The original is Mr. Brearly's copy of the draft, with manuscript interlineations and erasures of the amendments adopted on the examination and discussion.

have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to servitude for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every forty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and they shall have the sole power of impeachment.

Sect. 3. The senate of the United States shall be composed of two senators from each state, chosen by



the legislature thereof, for six years ; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year ; so that one third may be chosen every second year. And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state, for which he shall be chosen.

The vice president of the United States shall be, ex officio, president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath. When the president of the United States is tried, the chief justice shall preside ; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend

further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sect. 4. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof ; but the Congress may at any time by law make or alter such regulations.

The Congress shall assemble at least once in every year ; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sect. 5. Each house shall be the judge of the elections, returns and qualifications of its own members ; and a majority of each shall constitute a quorum to do business : but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings ; punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy ; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall,

without consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sect. 6. The senators and representatives shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the United States: They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Sect. 7. The enacting style of the laws shall be, "Be it enacted by the senators and representatives in Congress assembled."

All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house

shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by three-fourths of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Sect. 8. The Congress may, by joint ballot, appoint a treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defence and general welfare of the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and



uniform laws on the subject of bankruptcies throughout the United States ;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures ;

To provide for the punishment of counterfeiting the securities and current coin of the United States ;

To establish post offices and post roads ;

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries ;

To constitute tribunals inferior to the supreme court ;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations ;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years ;

To provide and maintain a navy ;

To make rules for the government and regulation of the land and naval forces ;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions ;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States—reserving to the states respectively, the appointment of

the officers, and the authority of training the militia, according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings; and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sect. 9. The migration or importation of such persons as the several states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the publick safety may require it.

No bill of attainder shall be passed, or any ex post facto law.

No capitation tax shall be laid, unless in proportion to the census herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No money shall be drawn from the treasury, but in consequence of appropriations made by law.

No title of nobility shall be granted by the United States.

And no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Sect. 10. No state shall coin money, nor emit bills of credit, nor make any thing but gold or silver coin a tender in payment of debts, nor pass any bill of attainder, nor ex post facto laws, nor laws altering or impairing the obligation of contracts; nor grant letters of marque and reprisal; nor enter into any treaty, alliance or confederation; nor grant any title of nobility.

No state shall, without the consent of Congress, lay imposts or duties on imports or exports, nor with such consent, but to the use of the treasury of the United States; nor keep troops nor ships of war in time of peace; nor enter into any agreement or compact with another state, nor with any foreign power; nor engage in any war, unless it shall be actually invaded by enemies, or the danger of invasion be so imminent, as not to admit of delay until the Congress can be consulted.

## ARTICLE II.

Sect. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors

equal to the whole number of senators and representatives to which the state may be entitled in Congress ; but no senator or representative shall be appointed an elector, nor any person holding an office of trust or profit under the United States.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the general government, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates ; and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president ; and if no person have a majority, then from the five highest on the list the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, and not per capita, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states ; and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president by the representatives, the person having the greatest number of votes of the electors shall be the vice president. But if



there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.

The Congress may determine the time of choosing the electors, and the time in which they shall give their votes ; but the election shall be on the same day throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president ; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president ; and such officer shall act accordingly, until the disability be removed, or the period for choosing another president arrive.

The president shall at stated times, receive a fixed compensation for his services, which shall neither be increased nor diminished during the period for which he shall have been elected.

Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my judgment and power, pre-

“serve, protect, and defend the constitution of the United States.”

Sect. 2. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices. And he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other publick ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

Sect. 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other publick ministers. He

shall take care that the laws be faithfully executed ; and shall commission all the officers of the United States.

Sect. 4. The president, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

Sect. 1. The judicial power of the United States, both in law and equity, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Sect. 2. The judicial power shall extend to all cases, both in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority ; to all cases affecting ambassadors, other publick ministers and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states ; between a state and citizens of another state ; between citizens of different states ; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In cases affecting ambassadors, other publick ministers and consuls, and those in which a state shall be

party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Sect. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, nor forfeiture, except during the life of the person attainted.

#### ARTICLE IV.

Sect. 1. Full faith and credit shall be given in each state to the publick acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Sect. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.



A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, and removed to the state having jurisdiction of the crime.

No person legally held to service or labour in one state, escaping into another, shall, in consequence of regulations subsisting therein, be discharged from such service or labour, but shall be delivered up, on claim of the party to whom such service or labour may be due.

Sect. 3. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claim of the United States, or of any particular state.

Sect. 4. The United States shall guarantee to every state in this union a republican form of government; and shall protect each of them against invasion; and, on application of the legislature or executive, against domestick violence.

## ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem necessary, or on the application of two-thirds of the legislatures of the several states, shall propose amendments to this constitution, which shall be valid to all intents and purposes, as part thereof, when the same shall have been ratified by three-fourths at least of the legislatures of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no amendment which may be made prior to the year 1808 shall in any manner affect the      and      sections of article

## ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no

religious test shall ever be required as a qualification to any office or publick trust under the United States.

#### ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

The draft of a letter to Congress being at the same time reported, was read once throughout ; and afterwards agreed to by paragraphs.

#### THE LETTER TO CONGRESS.\*

WE have now the honour to submit to the consideration of the United States in Congress assembled, that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties ; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, shall be fully and effectually vested in the general government of the union. But the impropriety of delegating such extensive trust to one body of men, is evident. Thence results the necessity of a different organization. It is obviously impracticable, in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering

\* Paper deposited by President Washington, at the Department of State.

into society must give up a share of liberty, to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved. And on the present occasion this difficulty was increased by a difference among the several states, as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view that which appeared to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid in points of inferior magnitude, than might have been otherwise expected. And thus the constitution which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state is not, perhaps, to be expected. But each will doubtless consider, that had her interest alone been consulted, the consequences might have been particularly disagreeable and injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe ; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.



It was moved and seconded to reconsider the thirteenth section of the sixth article—

Which passed in the affirmative.

It was moved and seconded to strike out the words “three-fourths,” and to insert the words “two-thirds,” in the thirteenth section of the sixth article—

Which passed in the affirmative.

YEAS—Connecticut, New Jersey, Maryland, North Carolina, South Carolina, Georgia - 6

NAYS—Massachusetts, Pennsylvania, Delaware, Virginia - 4

DIVIDED—New Hampshire - 1

It was moved and seconded to appoint a committee to prepare a bill of rights—

Which passed unanimously in the negative.

It was moved and seconded to reconsider the thirteenth article, in order to add the following clause at the end of the thirteenth article :

“Provided nothing herein contained shall be construed to restrain any state from laying duties upon exports, for the sole purpose of defraying the charges of inspecting, packing, storing, and indemnifying the losses in keeping the commodities in the care of publick officers before exportation.”

It was agreed to reconsider.

YEAS—Connecticut, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia 7

NAYS—New Hampshire, New Jersey, Delaware, 3

THURSDAY, SEPTEMBER 13, 1787.

The honourable Mr. Johnson, from the committee of

revision, reported the following as a substitute for the twenty-second and twenty-third articles :

“ Resolved, That the preceding constitution be laid  
“ before the United States in Congress assembled ;  
“ and that it is the opinion of this convention, that it  
“ should afterwards be submitted to a convention of  
“ delegates chosen in each state by the people thereof,  
“ under the recommendation of its legislature, for their  
“ assent and ratification ; and that each convention  
“ assenting to, and ratifying the same, should give no-  
“ tice thereof to the United States in Congress assem-  
“ bled.

“ Resolved, That it is the opinion of this conven-  
“ tion, that as soon as the conventions of nine states  
“ shall have ratified this constitution, the United States  
“ in Congress assembled should fix a day, on which  
“ electors should be appointed by the states which  
“ shall have ratified the same ; and a day on which  
“ the electors should assemble to vote for the presi-  
“ dent ; and the time and place for commencing pro-  
“ ceedings under this constitution : that after such pub-  
“ lication, the electors should be appointed, and the  
“ senators and representatives elected : that the elec-  
“ tors should meet on the day fixed for the election of  
“ the president, and should transmit their votes certifi-  
“ ed, signed, sealed, and directed, as the constitution  
“ requires, to the secretary of the United States in  
“ Congress assembled : that the senators and repre-  
“ sentatives should convene at the time and place as-  
“ signed : that the senators should appoint a president  
“ of the senate for the sole purpose of receiving, open-  
“ ing, and counting the votes for president : And that  
“ after he shall be chosen, the Congress, together with

“the president, should, without delay, proceed to execute this constitution.”

The clause offered to the house yesterday to be added to the thirteenth article being withdrawn, it was moved and seconded to agree to the following amendment to the thirteenth article :

“Provided, That no state shall be restrained from imposing the usual duties on produce exported from such state, for the sole purpose of defraying the charges of inspecting, packing, storing, and indemnifying the losses on such produce, while in the custody of publick officers : but all such regulations shall, in case of abuse, be subject to the revision and control of Congress”—

Which passed in the affirmative.

It was moved and seconded to postpone the consideration of the report of the committee respecting the twenty-second and twenty-third articles—

Which passed in the affirmative.

YEAS—New Hampshire, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 9

NAY—Connecticut - - - 1

It was moved and seconded to proceed to the comparing of the report from the committee of revision, with the articles which were agreed to by the house, and to them referred for arrangement—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Maryland, Virginia, North Carolina, Georgia 7

NAYS—Pennsylvania, Delaware, South Carolina 3

And the same was read by paragraphs, compared, and in some places corrected and amended.



[No entry of the corrections and amendments adopted or proposed, appears upon the journals. The sheets of yeas and nays exhibit, however, many of the questions upon the amendments proposed, and the result of the votes upon them. The amendments adopted, are interlined in manuscript, in the revised draft of the constitution, used by Mr. Brearly; and, with the minutes furnished by Mr. Madison to complete the journal, collated with the entries on the sheets of yeas and nays, present the following questions and votes.]

It was moved and seconded to add the words "for two years"—[See second section, first article.]

Which passed in the negative.

YEA—Massachusetts - - - 1

NAYS—New Hampshire, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia - 10

It was moved and seconded to insert the word "service," instead of "servitude," article first, section second, clause third—

Which passed unanimously in the affirmative.

It was moved and seconded to strike out the words "and direct taxes," from the same clause—

Which passed in the negative.

YEAS—New Jersey, Delaware, Maryland - 3

NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia - - - 8

It was moved and seconded to insert between "after" and "it," the words "the day on which."

Passed in the negative.

YEAS—Pennsylvania, Maryland, Virginia 3

NAYS—New Hampshire, Massachusetts, Connecticut.



cut, New Jersey, Delaware, North Carolina, South Carolina, Georgia - - - 8

It was moved and seconded to rescind the rule for adjournment—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Virginia, North Carolina, South Carolina, Georgia - 6

NAYS—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland - - - 5

It was moved and seconded to insert after the word “parts,” the words “of the proceedings of the se-  
“nate”—

Which passed in the negative.

YEAS—Pennsylvania, Maryland, North Carolina 3

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Virginia, Georgia 7

DIVIDED—South Carolina - - - 1

It was moved and seconded to strike out the word “to,” before “establish justice,” in the preamble—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - 8

NAYS—New Jersey, Virginia - - - 2

It was moved and seconded to reconsider the second clause of the third section, first article—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Maryland, Virginia, North Carolina - - - 5

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, South Carolina, Georgia 6

Question omitted.

YEA—Virginia	1
NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia	10

Question omitted.

YEAS—Connecticut, South Carolina, Georgia	3
NAYS—New Hampshire, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina	8

It was moved and seconded to reconsider the first clause of the fifth section of the first article—

Which passed in the negative.

YEAS—New Jersey, Maryland, North Carolina, Georgia	4
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NAYS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, South Carolina	7
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Question omitted.

[It was probably on adding the words “except as to the place of “choosing senators,” after the word “regulations,” in the fourth section of the first article—which amendment was adopted.]

YEAS—New Hampshire, Massachusetts, Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia	9
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NAY—Delaware	1
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DIVIDED—Pennsylvania	1
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Question omitted. Passed in the negative.

YEAS—Maryland, Virginia, North Carolina, Georgia	4
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NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, South Carolina	7
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Question omitted. Passed in the negative.

YEAS—Massachusetts, Pennsylvania, South Carolina - - - - - 3

NAYS—New Hampshire, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - - 8

Question omitted. Passed in the affirmative.

[It was probably on striking out the words “three-fourths,” and inserting “two-thirds,” in the fourth clause, seventh section, first article.]

YEAS—Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - - - 7

NAYS—New Hampshire, Massachusetts, Pennsylvania, Virginia - - - - - 4

## FRIDAY, SEPTEMBER 14, 1787.

The report from the committee of revision, as corrected and amended yesterday, being taken up, was read, debated by paragraphs, amended and agreed to, as far as the first clause of the tenth section of the first article inclusive.

Question—To strike out the words “may by joint ballot appoint a treasurer. They” from the first clause of the eighth section, first article—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - - - 8

NAYS—Massachusetts, Pennsylvania, Virginia - - - - - 3

Question—To reconsider the tenth clause, eighth section, first article—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina - - - 3

NAYS—New Jersey, Virginia, Georgia 3

Question—To strike out the word “punish”—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, New Jersey, Delaware, North Carolina, South Carolina 6

NAYS—Massachusetts, Pennsylvania, Maryland, Virginia, Georgia - - - 5

Question—To grant letters of incorporation for canals, &c. A clause proposed to be added to the eighth section of the first article.

Passed in the negative.

YEAS—Pennsylvania, Virginia, Georgia 3

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina - - - 8

Question—“To establish a university.” An additional clause proposed to the eighth section of the first article.

Passed in the negative.

YEAS—Pennsylvania, Virginia, North Carolina, South Carolina - - - 4

NAYS—New Hampshire, Massachusetts, New Jersey, Delaware, Maryland, Georgia - - 6

DIVIDED—Connecticut - - 1

It was moved and seconded to insert before the words “to provide for organizing, arming, &c.” the words “and that the liberties of the people may be



“better secured against the danger of standing armies  
“in time of peace,” article first, section eighth.

Passed in the negative.

YEAS—Virginia, Georgia - - - 2

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, - - - 9

Question—To reconsider the *ex post facto* clause.

Passed unanimously in the negative.

Question—To insert “the liberty of the press shall  
“be inviolably preserved.”

Passed in the negative.

YEAS—New Hampshire, Massachusetts, Maryland, Virginia, South Carolina - - - 5

NAYS—Connecticut, New Jersey, Pennsylvania, Delaware, North Carolina, Georgia - - - 6

Question—To insert the words “or enumeration,”  
after the word “census,” in the fourth clause of the  
ninth section, first article.

Passed in the affirmative.

YEAS—New Hampshire, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - 8

NAYS—Connecticut, South Carolina - - - 2

Question omitted. Passed unanimously in the affirmative.

[Probably upon one or all of the following three amendments,  
adopted.]

Add at the end of the first clause of the eighth section,  
first article, “but all duties, imposts and excises, shall  
“be uniform throughout the United States.”

Add at the end of the fifth clause of the ninth section,  
first article, “no preference shall be given by any

“ regulation of commerce or revenue to the ports of  
“ one state over those of another. Nor shall vessels  
“ bound to or from one state, be obliged to enter, clear  
“ or pay duties in another.”

Add at the end of the sixth clause of the ninth section, first article, “ and a regular statement and account  
“ of the receipts and expenditures of all publick money shall be published from time to time.”

[The following amendments to the revised draft, were likewise adopted :]

Article first, section second, clause fifth. Strike out the word “ they.”

Article first, section third, clause second. Add at the end of the clause, after the word “ legislature,” the words “ which shall then fill such vacancies.”

Article first, section third, clause fourth. Strike out the words “ ex officio.”

Article first, section third, clause sixth. After the word “ oath,” insert “ or affirmation.”

Article first, section eighth, clause third. After the word “ nations,” insert the word “ and.”

Article first, section ninth, clause first. Strike out the word “ several,” and between the words “ as” and “ the,” insert the words “ any of.”

Alter the third clause so as to read, “ no bill of attainder, or ex post facto law shall be passed.”

In the fourth clause, after the word “ capitation,” insert the words “ or other direct.”

Article first, section tenth, clause first, was variously amended, to read as follows :

“ No state shall enter into any treaty, alliance, or  
“ confederation, grant letters of marque and reprisal,  
“ coin money, emit bills of credit, make any thing but

“gold or silver coin a tender in payment of debts,  
 “pass any bill of attainder, ex post facto law, or law  
 “impairing the obligation of contracts, or grant any  
 “title of nobility.”

The house adjourned.

### SATURDAY, SEPTEMBER 15, 1787.

It was moved and seconded to appoint a committee to prepare an address to the people of the United States to accompany the constitution—

Which passed in the negative.

YEAS—Pennsylvania, Delaware, Maryland, Virginia  
 - - - - - 4

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, North Carolina, Georgia 6

It was moved and seconded to reconsider the third clause, second section, first article—

Which passed in the affirmative.

YEAS—New Hampshire, Connecticut, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia  
 - - - - - 8

NAYS—Massachusetts, New Jersey, - 2

DIVIDED—Pennsylvania - 1

It was moved and seconded to\*—add one member to the representatives of North Carolina, and of Rhode Island.

\* N. B. The volume containing the journal of the convention, deposited in the department of state by president Washington, terminates thus, leaving the journal imperfect; and the minutes of Saturday, September 15, crossed out with a pen. It has been completed in the following manner, by minutes furnished, at the request of the president, by the late president Madison.

On the question, as to Rhode Island,

It passed in the negative.

YEAS—New Hampshire, Delaware, Maryland, North Carolina, Georgia - - - 5

NAYS—Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, South Carolina - 6

On the question, as to North Carolina,

It passed in the negative.

YEAS—Maryland, Virginia, North Carolina, South Carolina, Georgia - - - 5

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware 6

It was moved to set aside article first, section tenth, clause second, and substitute “no state shall, without the consent of Congress, lay any imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any state on imports, or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.”

It was moved to strike out the words “and all such laws shall be subject to the revision and control of the Congress”—

Which passed in the negative.

It was moved and seconded to strike out “and all such laws shall be subject to the revision and control of the Congress”—

Which passed in the negative.

YEAS—Virginia, North Carolina, Georgia 3

NAYS—New Hampshire, Massachusetts, Connecti-



cut, New Jersey, Delaware, Maryland, South Carolina - - - - - 7

**DIVIDED**—Pennsylvania - - - - - 1

The substitute was then agreed to.

It was moved and seconded to substitute for first part of clause second, section tenth, article first, the words  
 “no state shall, without the consent of Congress, lay  
 “any imposts or duties on imports or exports, except  
 “what may be indispensably necessary for executing  
 “its inspection laws ; and the nett produce of all duties  
 “and imposts laid by any state on imports or exports  
 “shall be for the use of the treasury of the United  
 “States ; and all such laws shall be subject to the revision and control of the Congress”—

Which passed in the affirmative.

**YEAS**—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia - - - 10

**NAY**—Virginia - - - - - 1

It was moved “that no state shall be restrained  
 “from laying duties on tonnage for the purpose of  
 “clearing harbours, and erecting light houses.”

It was moved “that no state shall lay any duty on  
 “tonnage without the consent of Congress”—

Which last motion passed in the affirmative.

**YEAS**—New Hampshire, Massachusetts, New Jersey, Delaware, Maryland, South Carolina - - - 6

**NAYS**—Pennsylvania, Virginia, North Carolina, Georgia - - - - - 4

**DIVIDED**—Connecticut - - - - - 1

The clause was then agreed to in the following form :

“No state shall, without the consent of Congress,  
 “lay any duty of tonnage, keep troops, or ships of war

“in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.”

Article second, section first, clause sixth. On motion to strike out the words “the period for choosing another president arrived,” and insert “a president shall be elected”—

It passed in the affirmative.

It was moved to annex to clause seventh, section first, article second, “and he shall not receive, within that period, any other emolument from the United States, or any of them”—

Which passed in the affirmative.

It was moved and seconded to annex to clause seventh, section first, article second, the words “and he [the president] shall not receive within that period any other emolument from the United States or any of them”—

Which passed in the affirmative.

YEAS—New Hampshire, Massachusetts, Pennsylvania, Maryland, Virginia, South Carolina, Georgia 7

NAYS—Connecticut, New Jersey, Delaware, North Carolina 4

Article second, section second. It was moved to insert “except in cases of treason”—

Which passed in the negative.

It was moved and seconded to insert the words “except in cases of treason,” article second, section second.

Which passed in the negative.

YEAS—Virginia, Georgia 2

NAYS—New Hampshire, Massachusetts, New Jer-

sey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina - - - 8

DIVIDED—Connecticut - - - 1

Article second, section second, clause second. It was moved to add "but the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments"—

Which passed in the affirmative.

[The following verbal amendments, to the second and third articles of the revised draft were also adopted:]

Article second, section first, clause first. Strike out the words "in the following manner," and insert in their stead the words "as follows."

Section first, clause second. Transpose the words "shall be appointed an elector," to the end of the clause; and instead of the word "nor" read "or."

Section first, clause third. Strike out the words "and not per capita," and the words "by the representatives."

Section first, clause fourth. Strike out the words "time in," and insert the words "day on;" strike out "but the election shall be on the same day," and insert "which day shall be the same."

Section first, clause seventh. Instead of "receive a fixed compensation for his services," read "receive for his services a compensation."

In the oath to be taken by the president, strike out the word "judgment," and insert "abilities."

Section second, clause first. After the words "militia of the several states," add the words "when called into the actual service of the United States."

Section second, clause second. After the words

“provided for,” add “and which shall be established by law.”

Article third, section first. Strike out the words “both in law and equity.”

Section second, clause first. Strike out the word “both.”

Article third, section second, clause third. It was moved to add the words, “and a trial by jury shall be preserved, as usual, in civil cases”—

Which passed in the negative.

It was moved and seconded to annex “but the Congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments,” article second, section second, clause first—

Which passed in the negative.

YEAS—New Hampshire, Connecticut, New Jersey, Pennsylvania, North Carolina - - - 5

NAYS—Massachusetts, Delaware, Virginia, South Carolina, Georgia - - - 5

DIVIDED—Maryland - - - 1

Article fourth, section second, clause second. Instead of “and removed,” read “to be removed.”—

Section second, clause third. For “of regulations subsisting,” read “of any law or regulation.”

Article fourth, section second, clause third. It was moved to strike out the word “legally,” and insert after the word “state” the words “under the laws thereof.”

Which passed in the affirmative.

It was moved and seconded to strike out “legally,” &c. Article fourth, section second, clause third.



Which passed in the affirmative.

YEAS—Connecticut, Maryland, Virginia, North Carolina, Georgia - - - - 5

NAYS—Massachusetts, New Jersey, Pennsylvania, South Carolina - - - - 4

DIVIDED—New Hampshire, Delaware - 2

Article fourth, section third. It was moved to insert after the words “or parts of states,” the words “or a state, and part of a state”—

Which passed in the negative.

Article fourth, section fourth. After the word “executive,” insert “when the legislature cannot be convened.”

Article fifth. It was moved to amend the article so as to require a convention on application of two-thirds of the states”—

Which passed in the affirmative.

It was moved and seconded to amend the article fifth, so as to require a convention on the application of two-thirds of the states.

Passed in the affirmative.

YEAS—Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia 8

NAYS—New Hampshire, Massachusetts, New Jersey - - - - 3

It was moved and seconded to insert in article fourth, section third, after the words “or parts of states,” the words “or a state and part of a state.”

Passed in the negative.

YEA—South Carolina - - - - 1

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia - - - - 10

It was moved and seconded to strike out after "legislatures," the words "of three-fourths," and so after the word "conventions," article fifth—[leaving future conventions to proceed like the present.]

Passed in the negative.

YEAS—Massachusetts, Connecticut, New Jersey 3

NAYS—Pennsylvania, Delaware, Maryland, Virginia,  
North Carolina, South Carolina, Georgia - 7

DIVIDED—New Hampshire - - - 1

It was moved and seconded to strike out the words "or by conventions in three-fourths thereof."

Passed in the negative.

YEA—Connecticut - - - 1

NAYS—New Hampshire, Massachusetts, New Jersey,  
Pennsylvania, Delaware, Maryland, Virginia,  
North Carolina, South Carolina, Georgia - 10

It was moved and seconded to annex to the end of article fifth, a proviso, "that no state shall without its consent be affected in its internal police, or deprived of its equal suffrage in the senate."

Passed in the negative.

YEAS—Connecticut, New Jersey, Delaware 3

NAYS—New Hampshire, Massachusetts, Pennsylvania,  
Maryland, Virginia, North Carolina, South Carolina,  
Georgia - - - 8

It was moved and seconded to strike out article fifth.

Passed in the negative.

YEAS—Connecticut, New Jersey - 2

NAYS—New Hampshire, Massachusetts, Pennsylvania,  
Maryland, Virginia, North Carolina, South Carolina,  
Georgia - - - 8

DIVIDED—Delaware - - - 1

It was moved to strike out of article fifth, after the

word "legislatures," the words "of three-fourths," and also after the word "conventions," so as to leave future conventions to act like the present convention according to circumstances—

Which passed in the negative.

It was moved to strike out the words "or by conventions in three-fourths thereof"—

Which passed in the negative.

It was moved to annex to the article a further proviso, "that no state shall, without its consent, be affected in its internal police, or deprived of its equal suffrage in the senate"—

Which passed in the negative.

It was then moved to strike out the fifth article altogether—

Which passed in the negative.

It was moved to add a proviso, "that no state, without its consent, shall be deprived of its equal suffrage in the senate"—

Which passed in the affirmative.

It was moved, as a further proviso, "that no law in nature of a navigation act be passed, prior to the year 1808, without the consent of two-thirds of each branch of the legislature"—

Which passed in the negative.

It was moved and seconded "that no law in nature of a navigation act be passed before the year 1808, without the consent of two-thirds of each branch of the legislature."

Passed in the negative.

YEAS—Maryland, Virginia, Georgia - 3

NAYS—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, South Carolina - 7

It was moved "that amendments to the plan might be offered by the state conventions, which should be submitted to, and finally decided on, by another general convention"—

Which passed in the negative ; all the states concurring.

It was moved and seconded "that amendments to the plan might be offered by the state conventions, which should be submitted to and finally decided on by another general convention."

Passed unanimously in the negative.

The blanks in the fifth article of the revised draft were filled up ; and it was otherwise amended to read as follows :

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress : Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no state, without its consent, shall be deprived of its equal suffrage in the senate."

On the question to agree to the constitution, as amended,

It passed in the affirmative ; all the states concurring.



Ordered, That the constitution be engrossed.

The house adjourned.

### MONDAY, SEPTEMBER 17, 1787.

The engrossed constitution being read,

It was moved, that the constitution be signed by the members in the following, as a convenient form :

“ Done in convention, by the unanimous consent of  
“ the states present, the 17th September, &c. In wit-  
“ ness whereof, we have hereunto subscribed our  
“ names.”

It was moved to reconsider the clause declaring  
“ that the number of representatives shall not exceed  
“ one for every forty thousand,” in order to strike out  
“ forty thousand,” and insert “ thirty thousand”—

Which passed in the affirmative.

On the question to agree to the constitution, enrolled  
in order to be signed,

All the states answered *AY*.

On the question to agree to the above form of sign-  
ing,

It passed in the affirmative.

*YEAS*—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, Maryland,  
Virginia, North Carolina, Georgia - 10

*DIVIDED*—South Carolina - - 1

It was moved that the journal, and other papers of  
the convention, be deposited with the president—

Which passed in the affirmative.

*YEAS*—New Hampshire, Massachusetts, Connecti-  
cut, New Jersey, Pennsylvania, Delaware, Virginia,  
North Carolina, South Carolina, Georgia 10

*NAY*—Maryland - - - 1

The president having asked what the convention meant should be done with the journal—it was resolved, *nem. con.* “That he retain the journal and other papers, subject to the order of the Congress, if ever formed under the constitution.”

The members proceeded to sign the constitution; and the convention then dissolved itself by an adjournment *sine die*.

## SUPPLEMENT.

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**T**HE following extract from the journal of the Congress of the confederation, exhibits the proceedings of that body on receiving the report of the convention.

### UNITED STATES IN CONGRESS ASSEMBLED.

FRIDAY, SEPTEMBER 28, 1787.

**P**RESENT, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia, and from Maryland Mr. Ross.

Congress having received the report of the convention lately assembled in Philadelphia,

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case.

The states having accordingly passed acts for severally calling conventions, and the constitution being submitted to them, the ratifications thereof were transmitted to Congress as follows :

## DELAWARE.

WE the deputies of the people of the Delaware state, in convention met, having taken into our serious consideration the federal constitution proposed and agreed upon by the deputies of the United States in a general convention held at the city of Philadelphia, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, have approved, assented to, ratified and confirmed, and by these presents do, in virtue of the power and authority to us given for that purpose, for and in behalf of ourselves and our constituents, fully, freely, and entirely approve of, assent to, ratify and confirm the said constitution.

Done in convention at Dover, this seventh day of December, in the year aforesaid, and in the year of the independence of the United States of America the twelfth.—In testimony whereof we have hereunto subscribed our names.

*Sussex County.*

John Ingram,  
John Jones,  
William Moore,  
William Hall,  
Thomas Laws,  
Isaac Cooper,  
Woodman Storkley,  
John Laws,  
Thomas Evans,  
Israel Holland.

*Kent County.*

Nicholas Ridgely,  
Richard Smith,  
George Fruitt,  
Richard Bassett,  
James Sykes,  
Allen M'Lean,  
Daniel Cummins, sen.  
Joseph Barker,  
Edward White,  
George Manlove.

*Newcastle County.*

James Latimer, *President*,  
James Black,  
John James,  
Gunning Bedford, sen.  
Kensey Johns,  
Thomas Watson,  
Solomon Maxwell,  
Nicholas Way,  
Thomas Duff,  
Gunning Bedford, jun.

[L. s.] To all whom these presents shall come,  
Greeting.

I Thomas Collins, president of the Delaware state,



do hereby certify, that the above instrument of writing is a true copy of the original ratification of the federal constitution by the convention of the Delaware state, which original ratification is now in my possession.—In testimony whereof I have caused the seal of the Delaware state to be hereunto annexed.

THOMAS COLLINS.

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PENNSYLVANIA.

In the name of the people of Pennsylvania.

BE it known unto all men, that we the delegates of the people of the commonwealth of Pennsylvania, in general convention assembled, have assented to, and ratified, and by these presents do, in the name and by the authority of the same people, and for ourselves, assent to, and ratify the foregoing constitution for the United States of America. Done in convention, at Philadelphia, the twelfth day of December, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.—In witness whereof we have hereunto subscribed our names.

FREDERICK A. MUHLENBERG, President.

George Latimer,

To. Macpherson,

Benjamin Rush,

John Hunn,

Hilary Baker,

George Gray,

James Wilson,

Samuel Ashmead,

Thomas M'Kean,

Enoch Edwards,

Henry Wynkoop,  
 John Barclay,  
 Thomas Yardley,  
 Abraham Stout,  
 Thomas Bull,  
 Anthony Wayne,  
 William Gibbons,  
 Richard Downing,  
 Thomas Cheney,  
 John Hannum,  
 Stephen Chambers,  
 Robert Coleman,  
 Sebastian Graff,  
 John Hubley,  
 Jasper Yeates,  
 Henry Slagle,  
 Thomas Campbell,  
 Thomas Hartley,

David Grier,  
 John Black,  
 Benjamin Pedan,  
 John Arndt,  
 Stephen Balliet,  
 Joseph Horsefield,  
 David Dashler,  
 William Wilson,  
 John Boyd,  
 Thomas Scott,  
 John Nevill,  
 John Allison,  
 Jonathan Roberts,  
 John Richards,  
 James Morris,  
 Timothy Pickering,  
 Benjamin Elliot.

Attest.

JAMES CAMPBELL, Sec'ry.

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#### NEW JERSEY.

In convention of the state of New Jersey.

WHEREAS a convention of delegates from the following states, viz. New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, met at Philadelphia, for the purpose

of deliberating on, and forming a constitution for the United States of America, finished their session on the seventeenth day of September last, and reported to Congress the form which they had agreed upon, in the words following, viz. [See the constitution.]

And whereas, Congress on the twenty-eighth day of September last, unanimously did resolve, "That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates, chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case."

And whereas, the legislature of this state did on the twenty-ninth day of October last resolve in the words following, viz. "Resolved unanimously, That it be recommended to such of the inhabitants of this state as are entitled to vote for representatives in general assembly, to meet in their respective counties on the fourth Tuesday in November next, at the several places fixed by law for holding the annual elections, to choose three suitable persons to serve as delegates from each county in a state convention, for the purposes herein before mentioned, and that the same be conducted agreeably to the mode, and conformably with the rules and regulations prescribed for conducting such elections.

"Resolved unanimously, That the persons so elected to serve in state convention, do assemble and meet together on the second Tuesday in December next, at Trenton, in the county of Hunterdon, then and there to take into consideration the aforesaid constitution; and if approved of by them, finally to ratify

“the same, in behalf and on the part of this state; and  
“make report thereof to the United States in Congress  
“assembled, in conformity with the resolutions thereto  
“annexed.

“Resolved, That the sheriffs of the respective coun-  
“ties of this state shall be, and they are hereby requir-  
“ed to give as timely notice as may be, by advertise-  
“ments, to the people of their counties, of the time,  
“place, and purpose of holding elections as afore-  
“said.”

And whereas, the legislature of this state did also  
on the first day of November last, make and pass the  
following act, viz. “An act to authorize the people  
“of this state to meet in convention, deliberate upon,  
“agree to, and ratify the constitution of the United  
“States, proposed by the late general convention.—  
“Be it enacted by the council and general assembly  
“of this state, and it is hereby enacted by the authori-  
“ty of the same, that it shall and may be lawful for  
“the people thereof, by their delegates, to meet in con-  
“vention, to deliberate upon, and if approved of by  
“them, to ratify the constitution for the United States,  
“proposed by the general convention, held at Phila-  
“delphia, and every act, matter and clause therein  
“contained, conformably to the resolutions of the le-  
“gislation, passed the twenty-ninth day of October,  
“seventeen hundred and eighty-seven, any law, usage  
“or custom to the contrary in any wise notwithstand-  
“ing.”

Now be it known, that we the delegates of the state  
of New Jersey, chosen by the people thereof for the  
purposes aforesaid, having maturely deliberated on,  
and considered the aforesaid proposed constitution, do



hereby for and on the behalf of the people of the said state of New Jersey, agree to, ratify and confirm the same and every part thereof.

Done in convention by the unanimous consent of the members present, this eighteenth day of December, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.—In witness whereof we have hereunto subscribed our names.

JOHN STEVENS, President,

And delegate from the county of Hunterdon.

County of Cape May,

Jesse Hand,

Jeremiah Eldridge,

Matthew Willdin.

Hunterdon,

David Breatly,

Joshua Corshon.

Morris,

William Windes,

William Woodhull,

John Jacob Faesch.

Cumberland,

David Potter,

Jonathan Bowen,

Eli Elmer.

Sussex,

Robert Ogden,

Thomas Anderson,

Robert Hoops.

Bergen,

John Fell,

Peter Zobriskie,

Cornelius Hennion.

Essex,

John Chetwood,

Samuel Hay,

David Crane.

Middlesex,

John Neilson,

County of Middlesex,	John Beatty,
	Benjamin Manning.
Monmouth,	Elisha Lawrence,
	Samuel Breese,
	William Crawford.
Somerset,	John Witherspoon,
	Jacob R. Hardenberg,
	Frederick Frelinghuysen.
Burlington,	Thomas Reynolds,
	Geo. Anderson,
	Joshua M. Wallace.
Gloucester,	Richard Howell,
	Andrew Hunter,
	Benjamin Whitall.
Salem,	Whitten Cripps,
	Edmund Wetherby.

Attest.

SAMUEL W. STOCKTON, Sec'ry.

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#### CONNECTICUT.

In the name of the people of the state of Connecticut.

WE the delegates of the people of said state in general convention assembled, pursuant to an act of the legislature in October last, have assented to and ratified, and by these presents do assent to, ratify and adopt the constitution reported by the convention of delegates in Philadelphia, on the 17th day of September, A. D. 1787, for the United States of America.

Done in convention this 9th day of January, A. D. 1788.—In witness whereof we have hereunto set our hands.

MATTHEW GRISWOLD, President.

Jeremiah Wadsworth,	Amasa Learned,
Jesse Root,	Samuel Huntington,
Isaac Lee,	Jedediah Huntington,
Selah Hart,	Isaac Huntington,
Zebulon Peck, jun.	Robert Robbins,
Elisha Pitkin,	Daniel Foot,
Erastus Wolcott,	Eli Hyde,
John Watson,	Joseph Woodbridge,
John Treadwell,	Stephen Billings,
William Judd,	Andrew Lee,
Joseph Mosely,	William Noyes,
Wait Goodrich,	Joshua Raymond, jun.
John Curtiss,	Jeremiah Halsey,
Asa Barns,	Wheeler Coit,
Stephen Mix Mitchell,	Charles Phelps,
John Chester,	Nathaniel Minor,
Oliver Elsworth,	Jonathan Sturges,
Roger Newberry,	Thaddeus Burr,
Roger Sherman,	Elisha Whittelsey,
Pierpont Edwards,	Joseph Moss White,
Samel Beach,	Amos Mead,
Daniel Holbrook,	Jabez Fitch,
John Holbrook,	Nehemiah Beardsley,
Gideon Buckingham,	James Potter,
Lewis Mallet, jun.	John Chandler,
Joseph Hopkins,	John Beach,
John Welton,	Hezekiah Rogers,
Richard Law.	Lemuel Sanford,

William Heron,	Aaron Austin,
Philip Burr Bradley,	Samuel Canfield,
Nathan Danchy,	Daniel Everitt,
James Davenport,	Hezekiah Fitch,
John Davenport, jun.	Joshua Porter,
William Samuel Johnson,	Benjamin Hinman,
Elisha Mills,	Epaphras Sheldon,
Eliphalet Dyer,	Eleazer Curtiss,
Jedediah Elderkin,	John Whittlesey,
Simeon Smith,	Dan. Nath. Brinsmade,
Hendrick Dow,	Thomas Fenn,
Seth Paine,	David Smith,
Asa Witter,	Robert M'Cune,
Moses Cleaveland,	Daniel Sherman,
Samson Howe,	Samuel Orton,
William Danielson,	Asher Miller,
William Williams,	Samuel H. Parsons,
James Bradford,	Ebenezer White,
Joshua Dunlap,	Hezekiah Goodrich,
Daniel Learned,	Dyer Throop,
Moses Campbell,	Jabez Chapman,
Benjamin Dow,	Cornelius Higgins,
Oliver Wolcott,	Hezekiah Brainard,
Jedediah Strong,	Theophilus Morgan,
Moses Hawley,	Hezekiah Lane,
Charles Burrall,	William Hart,
Nathan Hale,	Samuel Shipman,
Daniel Miles,	Jeremiah West,
Asaph Hall,	Samuel Chapman,
Isaac Burnham,	Ichabod Warner,
John Wilder,	Samuel Carver,
Mark Prindle,	Jeremiah Ripley,
Jedediah Hubbel,	Ephraim Root.



John Phelps, Caleb Holt,  
 Isaac Foot, Seth Crocker.  
 Abijah Sessions,

State of Connecticut, ss. Hartford, January ninth,  
 Anno Domini, one thousand seven hundred and eighty-  
 eight. The foregoing ratification was agreed to, and  
 signed as above, by one hundred and twenty-eight, and  
 dissented to by forty delegates in convention, which is  
 a majority of eighty-eight.

Certified by

MATTHEW GRISWOLD, President.

Teste.

JEDEDIAH STRONG, Sec'y.

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#### COMMONWEALTH OF MASSACHUSETTS.

In Convention of the Delegates of the People of the  
 Commonwealth of Massachusetts. February, 6,  
 1788.

THE convention having impartially discussed, and  
 fully considered the constitution for the United States  
 of America, reported to Congress by the convention of  
 delegates from the United States of America, and sub-  
 mitted to us by a resolution of the general court of the  
 said commonwealth, passed the twenty-fifth day of Oc-  
 tober last past, and acknowledging with grateful hearts,  
 the goodness of the Supreme Ruler of the universe in  
 affording the people of the United States, in the course

of his Providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution, in order to form a more perfect union, establish justice, insure domestick tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity—Do, in the name and in behalf of the people of the commonwealth of Massachusetts, assent to and ratify the said constitution for the United States of America.

And as it is the opinion of this convention, that certain amendments and alterations in the said constitution would remove the fears and quiet the apprehensions of many of the good people of this commonwealth, and more effectually guard against an undue administration of the federal government—The convention do therefore recommend that the following alterations and provisions be introduced into the said constitution.

I. That it be explicitly declared that all powers not expressly delegated by the aforesaid constitution, are reserved to the several states to be by them exercised.

II. That there shall be one representative to every thirty thousand persons, according to the census mentioned in the constitution, until the whole number of the representatives amounts to two hundred.

III. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a state shall neglect or refuse to make the regulations therein mentioned, or shall make

regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the constitution.

iv. That Congress do not lay direct taxes but when the moneys arising from the impost and excise are insufficient for the publick exigencies, nor then until Congress shall have first made a requisition upon the states to assess, levy, and pay their respective proportions of such requisition, agreeably to the census fixed in the said constitution, in such way and manner as the legislatures of the states shall think best; and in such case if any state shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest thereon at the rate of six per cent per annum, from the time of payment, prescribed in such requisition.

v. That Congress erect no company of merchants with exclusive advantages of commerce.

vi. That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury, except in such cases as may arise in the government and regulation of the land and naval forces.

vii. The supreme judicial federal court shall have no jurisdiction of causes between citizens of different states, unless the matter in dispute, whether it concerns the realty or personalty, be of the value of three thousand dollars at the least—nor shall the federal judicial powers extend to any actions between citizens of different states, where the matter in dispute, whether it concerns the realty or personalty, is not of the value of fifteen hundred dollars at the least.

VIII. In civil actions between citizens of different states, every issue of fact arising in actions at common law, shall be tried by a jury, if the parties or either of them request it.

IX. Congress shall at no time consent that any person holding an office of trust or profit under the United States shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state.

And the convention do, in the name and in behalf of the people of this commonwealth, enjoin it upon their representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.

And that the United States in Congress assembled may have due notice of the assent and ratification of the said constitution by this convention, it is Resolved, That the assent and ratification aforesaid be engrossed on parchment, together with the recommendation and injunction aforesaid, and with this resolution; and that his excellency John Hancock, Esq. president, and the honourable William Cushing, Esq. vice president of this convention, transmit the same, countersigned by the secretary of the convention, under their hands and seals, to the United States, in Congress assembled.

JOHN HANCOCK, President.

WILLIAM CUSHING, Vice President.

GEORGE RICHARDS MINOT, Sec'ry.



Pursuant to the resolution aforesaid, we the president and vice president above named, do hereby transmit to the United States in Congress assembled, the same resolution, with the above assent and ratification of the constitution aforesaid, for the United States, and the recommendation and injunction above specified.

In witness whereof, we have hereunto set our hands and seals, at Boston, in the commonwealth aforesaid, this seventh day of February, Anno Domini one thousand seven hundred and eighty-eight, and in the twelfth year of the independence of the United States of America.

JOHN HANCOCK, President. [L. s.]

WM. CUSHING, Vice President. [L. s.]

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#### STATE OF GEORGIA.

In Convention, Wednesday, January the second, one thousand seven hundred and eighty-eight.

To all to whom these presents shall come, Greeting :

WHEREAS the form of a constitution for the government of the United States of America, was, on the seventeenth day of September, one thousand seven hundred and eighty-seven, agreed upon and reported to Congress by the deputies of the said United States convened in Philadelphia, which said constitution is written in the words following, to wit :

And whereas, the United States in Congress assem-

bled did, on the twenty-eighth day of September, one thousand seven hundred and eighty-seven, Resolve unanimously, " That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case."

And whereas, the legislature of the state of Georgia, did, on the twenty-sixth day of October, one thousand seven hundred and eighty-seven, in pursuance of the above recited resolution of Congress, Resolve, That a convention be elected on the day of the next general election, and in the same manner as representatives are elected; and that the said convention consist of not more than three members from each county; and that the said convention should meet at Augusta, on the fourth Tuesday in December then next, and as soon thereafter as convenient, proceed to consider the said report, letter, and resolutions, and to adopt or reject any part or the whole thereof.

Now know ye, that we, the delegates of the people of the state of Georgia in convention met, pursuant to the resolutions of the legislature aforesaid, having taken into our serious consideration the said constitution, have assented to, ratified and adopted, and by these presents do, in virtue of the powers and authority to us given by the people of the said state for that purpose, for, and in behalf of ourselves and our constitu-

ents, fully and entirely assent to, ratify and adopt the said constitution.

Done in convention, at Augusta, in the said state, on the second day of January, in the year of our Lord one thousand seven hundred and eighty-eight, and of the independence of the United States the twelfth.—In witness whereof we have hereunto subscribed our names.

JOHN WEREAT, President,  
And delegate for the county of Richmond.

County of Chatham,	W. Stephens, Joseph Habersham.
Effingham,	Jenhim Davis, N. Brownson.
Burke,	Edward Telfair, H. Todd.
Richmond,	William Few, James M'Niel.
Wilkes,	Geo. Matthews, Flor. Sullivan, John King.
Liberty,	James Powell, John Elliot, James Maxwell.
Glynn,	George Handley, Christopher Hillary, J. Milton.
Camden,	Henry Osborn, James Seagrove, Jacob Weed.
Washington,	Jared Irwin, John Rutherford.

County of Greene,

Robert Christmas,  
Thomas Daniell,  
R. Middleton.

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MARYLAND.

In Convention of the Delegates of the People of the  
State of Maryland. April 28, 1788.

WE the delegates of the people of the state of Maryland, having fully considered the constitution of the United States of America, reported to Congress by the convention of deputies from the United States of America, held in Philadelphia, on the seventeenth day of September, in the year seventeen hundred and eighty-seven, of which the annexed is a copy, and submitted to us by a resolution of the general assembly of Maryland, in November session, seventeen hundred and eighty-seven, do, for ourselves, and in the name and on the behalf of the people of this state, assent to and ratify the said constitution.

In witness whereof we have hereunto subscribed our  
names.

GEO. PLATER, President.

Richard Barnes,  
Charles Chilton,  
N. Lewis Sewall,  
William Tilghman,  
Donaldson Yeates.

Isaac Perkins,  
William Granger,  
Joseph Wilkinson,  
Charles Graham,  
John Chesley, jun.



W. Smith,	John Seney,
G. R. Brown,	James Hollyday,
J. Parnham,	William Hemsley,
Zeph. Turner,	Peter Chaille,
Michael Jenifer Stone,	James Martin,
R. Goldsborough, jun.	William Morris,
Edward Lloyd,	John Done,
John Stevens,	Thomas Johnson,
George Gale,	Thomas S. Lee,
Henry Waggaman,	Richard Potts,
John Stewart,	Abraham Few,
John Gale,	William Paca,
N. Hammond,	J. Richardson,
Daniel Sullivan,	William Richardson,
James Shaw,	Matt. Driver,
Jos. Gilpin,	Peter Edmonson,
H. Hollingsworth,	James M <sup>c</sup> Henry,
James Gordon Heron,	John Coulter,
Samuel Evans,	Thomas Sprigg,
Fielder Bowie,	John Stull,
Osb. Sprigg,	Moses Rawlings,
Benjamin Hall,	Henry Shryock,
George Digges,	Thomas Cramphin,
Nicholas Carrole,	Richard Thomas,
A. C. Hanson,	William Deakins, jun.
James Tilghman,	Ben. Edwards.

Attest.

WM. HARWOOD, Clk.

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#### STATE OF SOUTH CAROLINA.

IN convention of the people of the state of South

Carolina, by their representatives, held in the city of Charleston, on Monday, the twelfth day of May, and continued by divers adjournments to Friday, the twenty-third day of May, Anno Domini, one thousand seven hundred and eighty-eight, and in the twelfth year of the independence of the United States of America.

The convention having maturely considered the constitution, or form of government, reported to Congress by the convention of delegates from the United States of America, and submitted to them by a resolution of the legislature of this state, passed the seventeenth and eighteenth days of February last, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of the said United States, and their posterity—Do, in the name and behalf of the people of this state, hereby assent to, and ratify the said constitution.

Done in convention, the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, and of the independence of the United States of America the twelfth.

THOMAS PINCKNEY, President. [L. s.]

Attest.

JOHN SANFORD DART, Sec'y.

[L. s.]

And whereas it is essential to the preservation of the rights reserved to the several states, and the freedom of the people, under the operations of a general government, that the right of prescribing the manner, time, and places of holding the elections to the fede-

ral legislature, should be forever inseparably annexed to the sovereignty of the several states : This convention doth declare, that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the general government, except in cases where the legislatures of the states shall refuse or neglect to perform and fulfil the same, according to the tenor of the said constitution.

This convention doth also declare, that no section or paragraph of the said constitution warrants a construction that the states do not retain every power not expressly relinquished by them, and vested in the general government of the union.

Resolved, That the general government of the United States ought never to impose direct taxes, *but* where the moneys arising from the duties, imposts and excise, are insufficient for the publick exigencies, *nor then until* Congress shall have made a requisition upon the states to assess, levy, and pay their respective proportions of such requisitions ; and in case any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest thereon, at the rate of six per centum per annum, from the time of payment prescribed by such requisition.

Resolved, That the third section of the sixth article ought to be amended, by inserting the word "other," between the words "no," and "religious."

Resolved, That it be a standing instruction to all such delegates as may hereafter be elected to represent this state in the general government, to exert their utmost abilities and influence, to effect an alteration of

the constitution, conformably to the foregoing resolutions.

Done in convention, the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty eight, and of the independence of the United States of America the twelfth.

THOMAS PINCKNEY, President. [L. s.]

Attest.

JOHN SANFORD DART, Sec'ry. [L. s.]

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#### STATE OF NEW HAMPSHIRE.

In Convention of the Delegates of the People of the State of New Hampshire. June the twenty-first, 1788.

THE convention having impartially discussed, and fully considered the constitution for the United States of America, reported to Congress by the convention of delegates from the United States of America, and submitted to us by a resolution of the general court of said state, passed the fourteenth day of December last past, and acknowledging with grateful hearts the goodness of the Supreme Ruler of the universe in affording the people of the United States, in the course of his Providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution, in order



to form a more perfect union, establish justice, insure domestick tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity—Do, in the name and behalf of the people of the state of New Hampshire, assent to and ratify the said constitution, for the United States of America. And as it is the opinion of this convention, that certain amendments and alterations in the said constitution, would remove the fears and quiet the apprehensions of many of the good people of this state, and more effectually guard against an undue administration of the federal government—The convention do therefore recommend, that the following alterations and provisions be introduced into the said constitution.

I. That it be explicitly declared that all powers not expressly and particularly delegated by the aforesaid constitution, are reserved to the several states to be by them exercised.

II. That there shall be one representative to every thirty thousand persons, according to the census mentioned in the constitution, until the whole number of representatives amount to two hundred.

III. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a state shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress—Nor shall Congress in any case make regulations contrary to a free and equal representation.

IV. That Congress do not lay direct taxes but when the money arising from impost, excise, and their other

resources, are insufficient for the publick exigencies, nor then, until Congress shall have first made a requisition upon the states, to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said constitution, in such way and manner as the legislature of the state shall think best ; and in such case, if any state shall neglect, then Congress may assess and levy such state's proportion, together with the interest thereon at the rate of six per cent. per annum, from the time of payment, prescribed in such requisition.

v. That Congress shall erect no company of merchants with exclusive advantages of commerce.

vi. That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he first be indicted by a grand jury, except in such cases as may arise in the government and regulation of the land and naval forces.

vii. All common law cases between citizens of different states, shall be commenced in the common law courts of the respective states, and no appeal shall be allowed to the federal court, in such cases, unless the sum or value of the thing in controversy amount to three thousand dollars.

viii. In civil actions between citizens of different states, every issue of fact arising in actions at common law, shall be tried by jury, if the parties or either of them request it.

ix. Congress shall at no time consent that any person holding an office of trust or profit under the United States, shall accept any title of nobility, or any other title or office, from any king, prince, or foreign state.

x. That no standing army shall be kept up in time

of peace; unless with the consent of three-fourths of the members of each branch of Congress; nor shall soldiers in time of peace be quartered upon private houses, without the consent of the owners.

XI. Congress shall make no laws touching religion, or to infringe the rights of conscience.

XII. Congress shall never disarm any citizen, unless such as are or have been in actual rebellion.

And the convention do, in the name and in behalf of the people of this state, enjoin it upon their representatives in Congress, at all times until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article.

And that the United States in Congress assembled may have due notice of the assent and ratification of the said constitution by this convention, it is Resolved, That the assent and ratification aforesaid be engrossed on parchment, together with the recommendation and injunction aforesaid, and with this resolution; and that John Sullivan, Esq. president of the convention, and John Langdon, Esq. president of the state, transmit the same, countersigned by the secretary of convention, and the secretary of the state, under their hands and seals, to the United States in Congress assembled.

JOHN SULLIVAN, Pres. of the Conv. [L. s.]

JOHN LANGDON, Pres. of the State. [L. s.]

By Order,

JOHN CALF, Sec'ry of Convention.

JOSEPH PEARSON, Sec'ry of State.

## VIRGINIA, TO WIT :

WE, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the general assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the federal convention, and being prepared as well as the most mature deliberation hath enabled us to decide thereon—Do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them, and at their will : that therefore no right of any denomination, can be cancelled, abridged, restrained, or modified, by the Congress, by the senate, or house of representatives, acting in any capacity, by the president, or any department, or officer of the United States, except in those instances in which power is given by the constitution for those purposes : and that among other essential rights, the liberty of conscience, and of the press, cannot be cancelled, abridged, restrained, or modified, by any authority of the United States. With these impressions, with a solemn appeal to the Searcher of hearts, for the purity of our intentions, and under the conviction that whatsoever imperfections may exist in the constitution, ought rather to be examined in the mode prescribed therein, than to bring the union into danger, by a delay, with a hope of obtaining amendments previous to



the ratification—We the said delegates, in the name and in behalf of the people of Virginia, do, by these presents, assent to and ratify the constitution recommended on the seventeenth day of September, one thousand seven hundred and eighty-seven, by the federal convention, for the government of the United States, hereby announcing to all those whom it may concern, that the said constitution is binding upon the said people, according to an authentick copy hereto annexed, in the words following. [See constitution.]

Done in convention, this twenty-sixth day of June, one thousand seven hundred and eighty-eight.

By Order of the Convention.

EDM. PENDLETON, President. [L. s.]

VIRGINIA, TO WIT :

SUBSEQUENT AMENDMENTS agreed to in convention, as necessary to the proposed constitution of government for the United States, recommended to the consideration of the Congress which shall first assemble under the said constitution, to be acted upon according to the mode prescribed in the fifth article thereof—vide licet :

That there be a declaration or bill of rights, asserting and securing from encroachment, the essential and unalienable rights of the people, in some such manner as the following :

1. That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoy-

ment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

II. That all power is naturally vested in, and consequently derived from the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

III. That government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

IV. That no man or set of men are entitled to exclusive or separate publick emoluments or privileges from the community, but in consideration of publick services, which not being descendible, neither ought the offices of magistrate, legislator, or judge, or any other publick office to be hereditary.

V. That the legislative, executive and judiciary powers of government should be separate and distinct; and that the members of the two first may be restrained from oppression by feeling and participating the publick burdens, they should, at fixed periods, be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections; in which all or any part of the former members to be eligible or ineligible, as the rules of the constitution of government and the laws shall direct.

VI. That elections of representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest, with

an attachment to the community, ought to have the right of suffrage : and no aid, charge, tax or fee can be set, rated or levied upon the people without their own consent, or that of their representatives so elected, nor can they be bound by any law to which they have not in like manner assented for the publick good. ---

VII. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence, and be allowed counsel in his favour, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, (except in the government of the land and naval forces :)—nor can he be compelled to give evidence against himself.

IX. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges, or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

X. That every freeman restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

xii. That every freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in his person, property, or character. He ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments or regulations contravening these rights, are oppressive and unjust.

xiii. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

xiv. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, and his property ; “all warrants, therefore, to search suspected places, or seize any freeman, his papers, or property,” without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are grievous and oppressive ; and all general warrants to search suspected places, or to apprehend any suspected person, without specially naming or describing the place or person, are dangerous, and ought not to be granted.

xv. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives ; and that every freeman has a right to petition or apply to the legislature for redress of grievances.

xvi. That the people have a right to freedom of speech, and of writing and publishing their sentiments ; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

xvii. That the people have a right to keep and bear



arms; that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state. That standing armies in time of peace are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases the military should be under strict subordination to and governed by the civil power.

xviii. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the laws direct.

xix. That any person religiously scrupulous of bearing arms, ought to be exempted, upon payment of an equivalent to employ another to bear arms in his stead.

xx. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect or society ought to be favoured or established by law in preference to others.

#### AMENDMENTS TO THE BODY OF THE CONSTITUTION.

1. THAT each state in the union shall respectively retain every power, jurisdiction, and right, which is not by this constitution delegated to the Congress of the United States, or to the departments of the federal government.

II. That there shall be one representative for every thirty thousand, according to the enumeration or census mentioned in the constitution, until the whole number

of representatives amounts to two hundred ; after which that number shall be continued or increased as the Congress shall direct, upon the principles fixed by the constitution, by apportioning the representatives of each state to some greater number of people, from time to time, as population increases.

iii. When Congress shall lay direct taxes or excises, they shall, immediately, inform the executive power of each state, of the quota of such state, according to the census herein directed, which is proposed to be thereby raised ; and if the legislature of any state shall pass a law which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress shall not be collected in such state.

iv. That the members of the senate and house of representatives shall be ineligible to, and incapable of holding any civil office under the authority of the United States, during the time for which they shall respectively be elected.

v. That the journals of the proceedings of the senate and house of representatives shall be published at least once in every year, except such parts thereof, relating to treaties, alliances, or military operations, as, in their judgment, require secrecy.

vi. That a regular statement and account of the receipts and expenditures of all publick money shall be published at least once in every year.

vii. That no commercial treaty shall be ratified without the concurrence of two thirds of the whole number of the members of the senate ; and no treaty, ceding, contracting, restraining or suspending the territorial rights or claims of the United States, or any of

them, or their, or any of their rights or claims to fishing in the American seas, or navigating the American rivers, shall be but in cases of the most urgent and extreme necessity, nor shall any such treaty be ratified without the concurrence of three fourths of the whole number of the members of both houses respectively.

VIII. That no navigation law, or law regulating commerce, shall be passed without the consent of two thirds of the members present in both houses.

IX. That no standing army or regular troops shall be raised or kept up in time of peace, without the consent of two-thirds of the members present in both houses.

X. That no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

XI. That each state, respectively, shall have the power to provide for organizing, arming and disciplining its own militia, whensoever Congress shall omit or neglect to provide for the same. That the militia shall not be subject to martial law, except when in actual service, in time of war, invasion, or rebellion; and, when not in the actual service of the United States, shall be subject only to such fines, penalties and punishments as shall be directed or inflicted by the laws of its own state.

XII. That the exclusive power of legislation given to Congress over the federal town, and its adjacent district, and other places, purchased or to be purchased by Congress, or any of the states, shall extend only to such regulations as respect the police and good government thereof.

xiii. That no person shall be capable of being president of the United States for more than eight years in any term of sixteen years.

xiv. That the judicial power of the United States shall be vested in one supreme court, and in such courts of admiralty as Congress may, from time to time, ordain and establish in any of the different states. The judicial power shall extend to all cases in law and equity, arising under treaties made, or which shall be made under the authority of the United States; to all cases affecting ambassadors, other foreign ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; and between parties claiming lands under the grants of different states. In all cases affecting ambassadors, other foreign ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction; in all other cases before mentioned, the supreme court shall have appellate jurisdiction as to matters of law only; except in cases of equity, and of admiralty and maritime jurisdiction, in which the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. But the judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this constitution; except in disputes between states about their territory, disputes between persons claiming lands under the grants of different states, and suits for debts due to the United States.

xv. That in criminal prosecutions no man shall be



restrained in the exercise of the usual and accustomed right of challenging or excepting to the jury.

xvi. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same.

xvii. That those clauses which declare that Congress shall not exercise certain powers be not interpreted in any manner whatsoever to extend the powers of Congress. But that they may be construed either as making exceptions to the specified powers where this shall be the case, or otherwise as inserted merely for greater caution.

xviii. That the laws ascertaining the compensation to senators and representatives for their services, be postponed in their operation, until after the election of representatives immediately succeeding the passing thereof; that excepted, which shall first be passed on the subject.

xix. That some tribunal other than the senate be provided for trying impeachments of senators.

xx. That the salary of a judge shall not be increased or diminished during his continuance in office, otherwise than by general regulations of salary which may take place on a revision of the subject at stated periods of not less than seven years, to commence from the time such salaries shall be first ascertained by Congress. And the convention do, in the name and behalf of the people of this commonwealth, enjoin it upon their representatives in Congress, to exert all their influence, and use all reasonable and legal

methods to obtain a ratification of the foregoing alterations and provisions, in the manner provided by the fifth article of the said constitution; and in all congressional laws to be passed in the mean time, to conform to the spirit of those amendments as far as the said constitution will admit.

Done in convention, this 27th day of June, in the year of our Lord 1788.

By order of the convention.

EDM. PENDLETON, President. [L.S.]

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#### STATE OF NEW YORK.

WE, the delegates of the people of the state of New York, duly elected and met in convention, having maturely considered the constitution for the United States of America, agreed to on the 17th day of September, in the year 1787, by the convention then assembled at Philadelphia, in the commonwealth of Pennsylvania, (a copy whereof precedes these presents) and having also seriously and deliberately considered the present situation of the United States, do declare and make known,

That all power is originally vested in and consequently derived from the people, and that government is instituted by them for their common interest, protection and security.

That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights which every government ought to respect and preserve.

That the powers of government may be re-assumed

by the people, whensoever it shall become necessary to their happiness ; that every power, jurisdiction and right, which is not by the said constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the people of the several states, or to their respective state governments, to whom they may have granted the same ; and that those clauses in the said constitution, which declare, that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said constitution ; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

That the people have an equal, natural, and unalienable right, freely and peaceably to exercise their religion, according to the dictates of conscience ; and that no religious sect or society ought to be favoured or established by law in preference of others.

That the people have a right to keep and bear arms ; that a well regulated militia, including the body of the people *capable of bearing arms*, is the proper, natural, and safe defence of a free state.

That the militia should not be subject to martial law, except in time of war, rebellion, or insurrection.

That standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and that at all times the military should be under strict subordination to the civil power.

That in time of peace no soldier ought to be quartered in any house without the consent of the owner ; and in time of war, only by the civil magistrate, in such manner as the laws may direct.

That no person ought to be taken, imprisoned or disseized of his freehold, or be exiled or deprived of his privileges, franchises, life, liberty or property, but by due process of law.

That no person ought to be put twice in jeopardy of life or limb for one and the same offence, nor, unless in case of impeachment, be punished more than once for the same offence.

That every person restrained of his liberty is entitled to an inquiry into the lawfulness of such restraint, and to a removal thereof if unlawful, and that such inquiry and removal ought not to be denied or delayed, except when, on account of publick danger, the Congress shall suspend the privilege of the writ of habeas corpus.

That excessive bail ought not to be required; nor excessive fines imposed; nor cruel or unusual punishments inflicted.

That (except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment) a presentment or indictment by a grand jury ought to be observed as a necessary preliminary to the trial of all crimes cognizable by the judiciary of the United States; and such trial should be speedy, publick, and by an impartial jury of the county where the crime was committed; and that no person can be found guilty without the unanimous consent of such jury. But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in the possession of a foreign enemy, the inquiry and trial may be in such county as the Con-



gress shall by law direct ; which county in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed. And that in all criminal prosecutions, the accused ought to be informed of the cause and nature of his accusation, to be confronted with his accusers and the witnesses against him, to have the means of producing his witnesses, and the assistance of counsel for his defence, and should not be compelled to give evidence against himself.

That the trial by jury in the extent that it obtains by the common law of England, is one of the greatest securities to the rights of a free people, and ought to remain inviolate.

That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers or his property ; and therefore, that all warrants to search suspected places, or seize any freeman, his papers or property, without information upon oath or affirmation, of sufficient cause, are grievous and oppressive ; and that all general warrants, (or such in which the place or person suspected are not particularly designated) are dangerous and ought not to be granted.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or apply to the legislature for redress of grievances.

That the freedom of the press ought not to be violated or restrained.

That there should be once in four years, an election of the president and vice president, so that no officer

who may be appointed by the Congress to act as president, in case of the removal, death, resignation or inability of the president and vice president, can in any case continue to act beyond the termination of the period for which the last president and vice president were elected.

That nothing contained in the said constitution is to be construed to prevent the legislature of any state from passing laws at its discretion, from time to time, to divide such state into convenient districts, and to apportion its representatives to, and amongst such districts.

That the prohibition contained in the said constitution, against *ex post facto* laws, extends only to laws concerning crimes.

That all appeals in causes, determinable according to the course of the common law, ought to be by writ of error, and not otherwise.

That the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a state.

That the judicial power of the United States, as to controversies between citizens of the same state, claiming lands under grants of different states, is not to be construed to extend to any other controversies between them, except those which relate to such lands, so claimed, under grants of different states.

That the jurisdiction of the supreme court of the United States, or of any other court to be instituted by the Congress, is not in any case to be increased, enlarged, or extended, by any fiction, collusion or mere

suggestion ; and that no treaty is to be construed, so to operate, as to alter the constitution of any state.

Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution, and in confidence that the amendments which shall have been proposed to the said constitution, will receive an early and mature consideration : We, the said delegates, in the name and in the behalf of the people of the state of New York, do, by these presents, assent to and ratify the said constitution. In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the said constitution, the militia of this state will not be continued in service out of this state for a longer term than six weeks, without the consent of the legislature thereof ; that the Congress will not make or alter any regulation in this state, respecting the times, places, and manner of holding elections for senators or representatives, unless the legislature of this state shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same ; and that in those cases such power will only be exercised until the legislature of this state shall make provision in the premises ; that no excise will be imposed on any article of the growth, production or manufacture of the United States, or any of them, within this state, ardent spirits excepted ; and that the Congress will not lay direct taxes within this state, but when the moneys arising from the impost and excise shall be insufficient for the publick exigencies, nor then, until Congress shall first have made a requisition upon this state, to assess, levy and

pay the amount of such requisition, made agreeably to the census fixed in the said constitution, in such way and manner as the legislature of this state shall judge best ; but that in such case, if the state shall neglect or refuse to pay its proportion, pursuant to such requisition, then the Congress may assess and levy this state's proportion, together with interest at the rate of six per centum per annum, from the time at which the same was required to be paid.

Done in convention, at Poughkeepsie, in the county of Dutchess, in the state of New York, the 26th day of July, in the year of our Lord 1788.

By order of the convention.

GEO. CLINTON, President.

Attested. JOHN M'KESSON,

AB. B. BANKER, Secretaries.

AND the convention do, in the name and behalf of the people of the state of New York, enjoin it upon their representatives in the Congress, to exert all their influence, and use all reasonable means to obtain a ratification of the following amendments to the said constitution, in the manner prescribed therein ; and in all laws to be passed by the Congress, in the mean time, to conform to the spirit of the said amendments, as far as the constitution will admit.

That there shall be one representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in the constitution, until the whole number of representatives amounts to two hundred ; after which that number shall be continued or increas-



ed, but not diminished, as Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the apportionment of representatives and direct taxes.

That the Congress do not impose any excise on any article (ardent spirits excepted) of the growth, production or manufacture of the United States, or any of them.

That Congress do not lay direct taxes, but when the moneys arising from the impost and excise shall be insufficient for the publick exigencies, nor then, until Congress shall first have made a requisition upon the states, to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said constitution, in such way and manner as the legislature of the respective states shall judge best; and in such case, if any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest at the rate of six per centum per annum, from the time of payment, prescribed in such requisition.

That the Congress shall not make or alter any regulation, in any state, respecting the times, places and manner of holding elections for senators or representatives, unless the legislature of such state shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only, until the legislature of such state shall make provision in the premises; provided that Congress may prescribe the time for the election of representatives.

That no persons, except natural born citizens, or such as were citizens on or before the 4th day of July, 1776, or such as held commissions under the United States during the war, and have at any time, since the 4th day of July, 1776, become citizens of one or other of the United States, and who shall be freeholders, shall be eligible to the places of president, vice president, or members of either house of the Congress of the United States.

That the Congress do not grant monopolies, or erect any company, with exclusive advantages of commerce.

That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two thirds of the senators and representatives present in each house.

That no money be borrowed on the credit of the United States, without the assent of two thirds of the senators and representatives present in each house.

That the Congress shall not declare war, without the concurrence of two thirds of the senators and representatives present in each house.

That the privilege of the habeas corpus shall not by any law be suspended for a longer term than six months, or until twenty days after the meeting of the Congress next following the passing the act for such suspension.

That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular state, and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised as to exempt the inhabitants of such district from paying the like taxes, imposts, duties and excises, as

shall be imposed on the other inhabitants of the state in which such district may be ; and that no person shall be privileged within the said district from arrest for crimes committed, or debts contracted out of the said district.

That the right of exclusive legislation with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, shall not authorize the Congress to make any law to prevent the laws of the states respectively in which they may be, from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States ; nor to them with respect to crimes committed without such places.

That the compensation for the senators and representatives be ascertained by standing laws ; and that no alteration of the existing rate of compensation shall operate for the benefit of the representatives, until after a subsequent election shall have been had.

That the journals of the Congress shall be published at least once a year, with the exception of such parts relating to treaties or military operations, as in the judgment of either house shall require secrecy ; and that both houses of Congress shall always keep their doors open during their sessions, unless the business may in their opinion require secrecy. That the yeas and nays shall be entered on the journals whenever two members in either house may require it.

That no capitation tax shall ever be laid by the Congress.

That no person be eligible as a senator for more than six years in any term of twelve years ; and that

the legislatures of the respective states may recal their senators or either of them, and elect others in their stead, to serve the remainder of the time for which the senators so recalled were appointed.

That no senator or representative shall, during the time for which he was elected, be appointed to any office under the authority of the United States.

That the authority given to the executives of the states to fill the vacancies of senators be abolished, and that such vacancies be filled by the respective legislatures.

That the power of Congress to pass uniform laws concerning bankruptcy, shall only extend to merchants and other traders; and that the states respectively may pass laws for the relief of other insolvent debtors.

That no person shall be eligible to the office of president of the United States, a third time.

That the executive shall not grant pardons for treason, unless with the consent of the Congress; but may, at his discretion, grant reprieves to persons convicted of treason, until their cases can be laid before the Congress.

That the president, or person exercising his powers for the time being, shall not command an army in the field in person, without the previous desire of the Congress.

That all letters patent, commissions, pardons, writs and process of the United States, shall run in the name of *the people of the United States*, and be tested in the name of the president of the United States, or the person exercising his powers for the time being, or the first judge of the court out of which the same shall issue, as the case may be.



That the Congress shall not constitute, ordain, or establish any tribunals or inferior courts, with any other than appellate jurisdiction, except such as may be necessary for the trial of causes of admiralty, and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas ; and in all other cases, to which the judicial power of the United States extends, and in which the supreme court of the United States has not original jurisdiction, the causes shall be heard, tried, and determined, in some one of the state courts, with the right of appeal to the supreme court of the United States, or other proper tribunal, to be established for that purpose, by the Congress, with such exceptions, and under such regulations as the Congress shall make.

That the court for the trial of impeachments shall consist of the senate, the judges of the supreme court of the United States, and the first or senior judge, for the time being, of the highest court of general and ordinary common law jurisdiction in each state ; that the Congress shall, by standing laws, designate the courts in the respective states answering this description, and in states having no courts exactly answering this description, shall designate some other court, preferring such, if any there be, whose judge or judges may hold their places during good behaviour : provided that no more than one judge, other than judges of the supreme court of the United States, shall come from one state.

That the Congress be authorized to pass laws for compensating the judges for such services, and for compelling their attendance ; and that a majority at least of the said judges shall be requisite to constitute the said court. That no person impeached shall

sit as a member thereof; that each member shall, previous to the entering upon any trial, take an oath or affirmation, honestly and impartially to hear and determine the cause; and that a majority of the members present shall be necessary to a conviction.

That persons aggrieved by any judgment, sentence or decree of the supreme court of the United States in any cause in which that court has original jurisdiction, with such exceptions and under such regulations as the Congress shall make concerning the same, shall upon application, have a commission, to be issued by the president of the United States, to such men learned in the law as he shall nominate, and by and with the advice and consent of the senate appoint not less than seven, authorizing such commissioners, or any seven or more of them, to correct the errors in such judgment, or to review such sentence, and decree as the case may be, and to do justice to the parties in the premises.

That no judge of the supreme court of the United States shall hold any other office under the United States, or any of them.

That the judicial power of the United States shall extend to no controversies respecting land, unless it relate to claims of territory or jurisdiction between states, or to claims of land between individuals, or between states and individuals under the grants of different states.

That the militia of any state shall not be compelled to serve without the limits of the state for a longer term than six weeks, without the consent of the legislature thereof.

That the words *without the consent of the Congress*, in the seventh clause of the ninth section of the first article of the constitution be expunged.

That the senators and representatives, and all executive and judicial officers of the United States, shall be bound by oath or affirmation not to infringe or violate the constitutions or rights of the respective states.

That the legislatures of the respective states may make provision by law, that the electors of the election districts, to be by them appointed, shall choose a citizen of the United States, who shall have been an inhabitant of such district for the term of one year immediately preceding the time of his election, for one of the representatives of such state.

Done in convention, at Poughkeepsie, in the county of Dutchess, in the state of New York, the 26th day of July, in the year of our Lord 1788.

By order of the convention.

GEO. CLINTON, President.

Attested. JOHN M'KESSON,

AB. B. BANKER, Secretaries.

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STATE OF NORTH CAROLINA.

In Convention, August 1, 1788.

RESOLVED, That a declaration of rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said constitution of government, ought to be laid before Congress, and the convention of the states that shall or may be called for the purpose of amending the said constitu-

tion, for their consideration, previous to the ratification of the constitution aforesaid, on the part of the state of North Carolina.

#### DECLARATION OF RIGHTS.

I. THAT there are certain natural rights of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

II. That all power is naturally vested in, and consequently derived from the people ; that magistrates therefore are their trustees and agents, and at all times amenable to them.

III. That government ought to be instituted for the common benefit, protection, and security of the people ; and that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind.

IV. That no man or set of men, are entitled to exclusive or separate publick emoluments or privileges from the community, but in consideration of publick services ; which not being descendible, neither ought the offices of magistrate, legislator, or judge, or any other publick office, to be hereditary.

V. That the legislative, executive and judiciary powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression, by feeling and participating the publick burdens, they should, at fixed periods, be reduced to a private station, return into the mass of the people ; and the vacancies be supplied by certain and regular elections ; in which all or any part of the former



members to be eligible or ineligible, as the rules of the constitution of government, and the laws shall direct.

vi. That elections of representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax or fee, can be set, rated or levied upon the people without their own consent, or that of their representatives, so elected, nor can they be bound by any law, to which they have not in like manner assented for the publick good.

vii. That all power of suspending laws, or the execution of laws, by any authority without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

viii. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence, and be allowed counsel in his favour, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, (except in the government of the land and naval forces) nor can he be compelled to give evidence against himself.

ix. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the law of the land.

x. That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness

thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

xi. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

xii. That every freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in person, property or character. He ought to obtain right and justice freely and without sale, completely and without denial, promptly and without delay, and that all establishments, or regulations contravening these rights, are oppressive and unjust.

xiii. That excessive bail ought not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

xiv. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, and property ; all warrants therefore to search suspected places, or seize any freeman, his papers or property, without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are grievous and oppressive, and all general warrants to search suspected places, or to apprehend any suspected person without specially naming or describing the place or person, are dangerous, and ought not to be granted.

xv. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives ; and that every freeman has a right to petition or apply to the legislature for redress of grievances.

xvi. That the people have a right to freedom of speech, and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

xvii. That the people have a right to keep and bear arms; that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state. That standing armies in time of peace are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases the military should be under strict subordination to, and governed by the civil power.

xviii. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner as the law directs.

xix. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

xx. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and unalienable right, to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect or society ought to be favoured or established by law in preference to others.

## AMENDMENTS TO THE CONSTITUTION.

I. THAT each state in the union shall, respectively, retain every power, jurisdiction and right, which is not by this constitution delegated to the Congress of the United States, or to the departments of the federal government.

II. That there shall be one representative for every thirty thousand, according to the enumeration or census mentioned in the constitution, until the whole number of representatives amounts to two hundred, after which, that number shall be continued or increased, as Congress shall direct, upon the principles fixed in the constitution, by apportioning the representatives of each state to some greater number of people, from time to time, as population increases.

III. When Congress shall lay direct taxes or excises, they shall immediately inform the executive power of each state, of the quota of such state, according to the census herein directed, which is proposed to be thereby raised : and if the legislature of any state shall pass a law, which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress shall not be collected in such state.

IV. That the members of the senate and house of representatives shall be ineligible to, and incapable of holding any civil office under the authority of the United States, during the time for which they shall respectively be elected.

V. That the journals of the proceedings of the senate and house of representatives shall be published at least once in every year, except such parts thereof



relating to treaties, alliances, or military operations, as in their judgment require secrecy.

vi. That a regular statement and account of the receipts and expenditures of the publick money shall be published at least once in every year.

vii. That no commercial treaty shall be ratified without the concurrence of two-thirds of the whole number of the members of the senate : and no treaty, ceding, contracting, or restraining or suspending the territorial rights or claims of the United States, or any of them, or their, or any of their rights or claims to fishing in the American seas, or navigating the American rivers, shall be made, but in cases of the most urgent and extreme necessity ; nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the members of both houses respectively.

viii. That no navigation law, or law regulating commerce, shall be passed without the consent of two-thirds of the members present in both houses.

ix. That no standing army or regular troops shall be raised or kept up in time of peace, without the consent of two-thirds of the members present in both houses.

x. That no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

xi. That each state, respectively, shall have the power to provide for organizing, arming and disciplining its own militia, whensoever Congress shall omit or neglect to provide for the same. That the militia shall not be subject to martial law, except when in actual service in time of war, invasion or rebellion : and when not in the actual service of the United States,

shall be subject only to such fines, penalties and punishments, as shall be directed or inflicted by the laws of its own state.

xii. That Congress shall not declare any state to be in rebellion without the consent of at least two-thirds of all the members present of both houses.

xiii. That the exclusive power of legislation given to Congress over the federal town and its adjacent district, and other places, purchased or to be purchased by Congress, of any of the states, shall extend only to such regulations as respect the police and good government thereof.

xiv. That no person shall be capable of being president of the United States for more than eight years in any term of sixteen years.

xv. That the judicial power of the United States shall be vested in one supreme court, and in such courts of admiralty, as Congress may, from time to time, ordain and establish in any of the different states. The judicial power shall extend to all cases in law and equity, arising under treaties made, or which shall be made under the authority of the United States ; to all cases affecting ambassadors, other foreign ministers and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states, and between parties claiming lands under the grants of different states. In all cases affecting ambassadors, other foreign ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction ; in all other cases before mentioned, the supreme court shall have appellate jurisdiction as to matters of law only.

except in cases of equity, and of admiralty and maritime jurisdiction, in which the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. But the judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this constitution, except in disputes between states about their territory, disputes between persons claiming lands under the grants of different states, and suits for debts due to the United States.

xvi. That in criminal prosecutions, no man shall be restrained in the exercise of the usual and accustomed right of challenging or excepting to the jury.

xvii. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse or be disabled, by invasion or rebellion, to prescribe the same.

xviii. That those clauses which declare that Congress shall not exercise certain powers, be not interpreted in any manner whatsoever to extend the powers of Congress; but that they be construed either as making exceptions to the specified powers where this shall be the case, or otherwise, as inserted merely for greater caution.

xix. That the laws ascertaining the compensation of senators and representatives for their services, be postponed in their operation, until after the election of representatives immediately succeeding the passing thereof, that excepted, which shall first be passed on the subject.

xx. That some tribunal, other than the senate, be provided for trying impeachments of senators.

xxi. That the salary of a judge shall not be increased or diminished during his continuance in office, otherwise than by general regulations of salary which may take place, on a revision of the subject, at stated periods of not less than seven years, to commence from the time such salaries shall be first ascertained by Congress.

xxii. That Congress erect no company of merchants with exclusive advantages of commerce.

xxiii. That no treaties which shall be directly opposed to the existing laws of the United States in Congress assembled, shall be valid until such laws shall be repealed, or made conformable to such treaty ; nor shall any treaty be valid which is contradictory to the constitution of the United States.

xxiv. That the latter part of the fifth paragraph of the ninth section of the first article be altered to read thus: " Nor shall vessels bound to a particular state  
" be obliged to enter or pay duties in any other ; nor  
" when bound from any one of the states be obliged  
" to clear in another."

xxv. That Congress shall not directly or indirectly, either by themselves or through the judiciary, interfere with any one of the states in the redemption of paper money already emitted and now in circulation, or in liquidating and discharging the publick securities of any one of the states : but each and every state shall have the exclusive right of making such laws and regulations for the above purpose. as they shall think proper.



xxvi. That Congress shall not introduce foreign troops into the United States, without the consent of two-thirds of the members present of both houses.

SAM. JOHNSTON, President.

By Order.

J. HUNT, Secretary.

THE above are the proceedings of the conventions of the twelve states, which had been represented in the general convention. The ratification of New Hampshire, being the ninth in order, was received by Congress on the 2d of July, 1788. The following is an extract from their journal of that day.

# UNITED STATES IN CONGRESS ASSEMBLED.

WEDNESDAY, JULY 2, 1778.

THE state of New Hampshire having ratified the constitution transmitted to them by the act of the 28th of September last, and transmitted to Congress their ratification, and the same being read, the president reminded Congress that this was the ninth ratification transmitted and laid before them; whereupon,

On motion of Mr. Clarke, seconded by Mr. Edwards,

Ordered, That the ratifications of the constitution of the United States, transmitted to Congress, be referred to a committee to examine the same, and report an act to Congress for putting the said constitution into operation, in pursuance of the resolutions of the late federal convention.

On the question to agree to this order, the yeas and nays being required by Mr. Yates :

New Hampshire,	Mr. Gilman,	ay	} ay
	Mr. Wingate,	ay	

Massachusetts,	Mr. Dane,	ay	} ay
	Mr. Otis,	ay	
Rhode Island,	Mr. Arnold,		} excused.
	Mr. Hazard,		
Connecticut,	Mr. Huntington,	ay	} ay
	Mr. Edwards,	ay	
New York,	Mr. L'Homedieu,	ay	} divided.
	Mr. Yates,	no	
New Jersey,	Mr. Clarke,	ay	} ay
	Mr. Elmer,	ay	
	Mr. Dayton,	ay	
Pennsylvania,	Mr. Bingham,	ay	} ay
	Mr. Read,	ay	
Maryland,	Mr. Contee,	ay	} *
Virginia,	Mr. Griffin,	ay	
	Mr. Carrington,	ay	} ay
	Mr. Brown,	ay	
South Carolina,	Mr. Huger,	ay	} ay
	Mr. Parker,	ay	
	Mr. Tucker,	ay	
Georgia,	Mr. Few,	ay	} ay
	Mr. Baldwin,	ay	

So it passed in the affirmative.

ON the 14th of July, 1788, the committee reported an act for putting the constitution into operation, which was debated until the 13th of September of the same year, when the following resolution was adopted.

WHEREAS the convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th of September, in the same year, report to the United States in Congress assembled, a constitution for the people of

the United States ; whereupon Congress, on the 28th of the same September, did resolve unanimously, " That the said report, with the resolutions and letter " accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates, chosen in each state by the people thereof, in conformity to the resolves of the convention made and provided in that case:" and whereas the constitution so reported by the convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the secretary ; therefore,

Resolved, That the first Wednesday in January next, be the day for appointing electors in the several states, which, before the said day, shall have ratified the said constitution ; that the first Wednesday in February next, be the day for the electors to assemble in their respective states, and vote for a president ; and that the first Wednesday in March next, be the time, and the present seat of Congress the place for commencing proceedings under the said constitution.

THE elections in the several states were held conformably to the above resolution ; on Wednesday, the 4th of March, 1789, proceedings commenced under the constitution ; and on the 30th of April, of the same year, George Washington, elected by the unanimous suffrage of the electors, was inaugurated as president of the United States.

On the 11th of January, 1790, the following ratification of the constitution by the state of North Carolina, was communicated by president Washington to both houses of Congress.

## STATE OF NORTH CAROLINA.

## IN CONVENTION.

WHEREAS the general convention which met in Philadelphia, in pursuance of a recommendation of Congress, did recommend to the citizens of the United States, a constitution or form of government in the following words, namely,

“ We the people,” &c.

[Here follows the constitution of the United States, verbatim.]

Resolved, That this convention, in behalf of the free-men, citizens and inhabitants of the state of North Carolina, do adopt and ratify the said constitution and form of government.

Done in convention this twenty-first day of November, one thousand seven hundred and eighty-nine.

(Signed)

SAMUEL JOHNSTON,

President of the Convention.

J. HUNT,

JAMES TAYLOR, Secretaries.

ON the 16th of June, 1790, the following ratification by the state of Rhode Island was communicated to Congress.

## RHODE ISLAND.

[The Constitution of the United States of America precedes the following Ratification.]

Ratification of the Constitution by the Convention of the State of Rhode Island and Providence Plantations.

WE, the delegates of the people of the state of Rhode



Island and Providence Plantations, duly elected and met in convention, having maturely considered the constitution for the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, by the convention then assembled at Philadelphia, in the commonwealth of Pennsylvania, (a copy whereof precedes these presents;) and having also seriously and deliberately considered the present situation of this state, do declare and make known,

I. That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

II. That all power is naturally vested in, and consequently derived from the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

III. That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness. That the rights of the states respectively to nominate and appoint all state officers, and every other power, jurisdiction and right, which is not by the said constitution clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several states or their respective state governments, to whom they may have granted the same; and that those clauses in the said constitution which declare that Congress shall not have or exercise certain

powers, do not imply that Congress is entitled to any powers not given by the said constitution; but such clauses are to be construed as exceptions to certain specified powers, or as inserted merely for greater caution.

iv. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence, and therefore all men have an equal, natural and unalienable right to the exercise of religion, according to the dictates of conscience; and that no particular religious sect or society ought to be favoured or established, by law, in preference to others.

v. That the legislative, executive, and judiciary powers of government should be separate and distinct; and that the members of the two first may be restrained from oppression, by feeling and participating the publick burdens, they should at fixed periods be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible, or ineligible, as the rules of the constitution of government and the laws shall direct.

vi. That elections of representatives in legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax or fee, can be set, rated or levied upon the people without their own consent, or that of their representatives so elected, nor can they be bound by any law to which they have not in like manner consented for the publick good.

VII. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favour, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, (except in the government of the land and naval forces) nor can he be compelled to give evidence against himself.

IX. That no freeman ought to be taken, imprisoned or disseized of his freehold, liberties, privileges or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the trial by jury, or by the law of the land.

X. That every freeman restrained of his liberty, is entitled to a remedy, to enquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury, as hath been exercised by us and our ancestors, from the time whereof the memory of man is not to the contrary, is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

XII. That every freeman ought to obtain right and justice, freely and without sale, completely and without

denial, promptly and without delay ; and that all establishments or regulations contravening these rights are oppressive and unjust.

xiii. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

xiv. That every person has a right to be secure from all unreasonable searches and seizures of his person, his papers or his property ; and therefore, that all warrants to search suspected places, or seize any person, his papers or his property, without information upon oath or affirmation of sufficient cause, are grievous and oppressive ; and that all general warrants (or such in which the place or person suspected are not particularly designated) are dangerous, and ought not to be granted.

xv. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives ; and that every person has a right to petition or apply to the legislature for redress of grievances.

xvi. That the people have a right to freedom of speech, and of writing and publishing their sentiments. That freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

xvii. That the people have a right to keep and bear arms ; that a well regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defence of a free state ; that the militia shall not be subject to martial law, except in time of war, rebellion or insurrection ; that standing armies in time of peace, are dangerous to liberty, and ought not



to be kept up, except in cases of necessity ; and that at all times the military should be under strict subordination to the civil power ; that in time of peace no soldier ought to be quartered in any house without the consent of the owner, and in time of war only by the civil magistrate in such manner as the law directs.

xviii. That any person religiously scrupulous of bearing arms, ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution, and in confidence that the amendments hereafter mentioned will receive an early and mature consideration, and conformably to the fifth article of said constitution, speedily become a part thereof—We the said delegates, in the name and in the behalf of the people of the state of Rhode Island and Providence Plantations, do by these presents assent to and ratify the said constitution.—In full confidence, nevertheless, that until the amendments hereafter proposed and undermentioned, shall be agreed to and ratified, pursuant to the aforesaid fifth article, the militia of this state will not be continued in service out of this state for a longer term than six weeks, without the consent of the legislature thereof ; that the Congress will not make or alter any regulation in this state respecting the times, places, and manner of holding elections for senators or representatives, unless the legislature of this state shall neglect or refuse to make laws or regulations for the purpose, or from any circum-

stance be incapable of making the same, and that in those cases such power will only be exercised until the legislature of this state shall make provision in the premises; that the Congress will not lay direct taxes within this state, but when the moneys arising from the impost, tonnage and excise, shall be insufficient for the publick exigencies, nor until the Congress shall have first made a requisition upon this state to assess, levy, and pay the amount of such requisition made agreeable to the census fixed in the said constitution, in such way and manner as the legislature of this state shall judge best, and that the Congress will not lay any capitation or poll tax.

Done in convention at Newport, in the county of Newport, in the state of Rhode Island and Providence Plantations, the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

By order of the convention.

(Signed) DANIEL OWEN, President.

Attest. DANIEL UPDIKE, Sec'ry.

And the convention do, in the name and behalf of the people of the state of Rhode Island and Providence Plantations, enjoin it upon their senators and representative or representatives which may be elected to represent this state in Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said constitu-

tion, in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time, to conform to the spirit of the said amendments, as far as the constitution will admit.

## AMENDMENTS.

I. The United States shall guarantee to each state its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this constitution expressly delegated to the United States.

II. That Congress shall not alter, modify, or interfere in the times, places or manner of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same, or in case when the provision made by the state is so imperfect as that no consequent election is had, and then only until the legislature of such state shall make provision in the premises.

III. It is declared by the convention, that the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a state: but to remove all doubts or controversies respecting the same, that it be especially expressed as a part of the constitution of the United States, that Congress shall not directly or indirectly, either by themselves, or through the judiciary, interfere with any one of the states, in the redemption of paper money already emitted, and now in circulation, or in liquidating or discharging the publick securities of any one state; that each and every state shall have the exclu-

sive right of making such laws and regulations for the before mentioned purpose as they shall think proper.

iv. That no amendments to the constitution of the United States, hereafter to be made pursuant to the fifth article, shall take effect, or become a part of the constitution of the United States, after the year one thousand seven hundred and ninety-three, without the consent of eleven of the states heretofore united under the confederation.

v. That the judicial powers of the United States shall extend to no possible case where the cause of action shall have originated before the ratification of this constitution; except in disputes between states about their territory, disputes between persons claiming lands under grants of different states, and debts due to the United States.

vi. That no person shall be compelled to do military duty otherwise than by voluntary enlistment, except in cases of general invasion; any thing in the second paragraph of the sixth article of the constitution, or any law made under the constitution, to the contrary, notwithstanding.

vii. That no capitation or poll tax shall ever be laid by Congress.

viii. In cases of direct taxes, Congress shall first make requisitions on the several states to assess, levy and pay their respective proportions of such requisitions, in such way and manner as the legislatures of the several states shall judge best: and in case any state shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest



at the rate of six per cent. per annum, from the time prescribed in such requisition.

ix. That Congress shall lay no direct taxes without the consent of the legislatures of three-fourths of the states in the union.

x. That the journals of the proceedings of the senate and house of representatives, shall be published as soon as conveniently may be, at least once in every year; except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy.

xi. That regular statements of the receipts and expenditures of all publick moneys shall be published at least once a year.

xii. As standing armies in time of peace are dangerous to liberty, and ought not to be kept up except in cases of necessity, and as at all times the military should be under strict subordination to the civil power, that therefore no standing army or regular troops shall be raised or kept up in time of peace.

xiii. That no moneys be borrowed on the credit of the United States, without the assent of two-thirds of the senators and representatives present in each house.

xiv. That the Congress shall not declare war without the concurrence of two-thirds of the senators and representatives present in each house.

xv. That the words "without the consent of Congress," in the seventh clause in the ninth section of the first article of the constitution, be expunged.

xvi. That no judge of the supreme court of the United States, shall hold any other office under the United States, or any of them; nor shall any officer appointed by Congress, or by the president and senate

of the United States, be permitted to hold any office under the appointment of any of the states.

xvii. As a traffick tending to establish or continue the slavery of any part of the human species, is disgraceful to the cause of liberty and humanity ; that Congress shall as soon as may be, promote and establish such laws and regulations as may effectually prevent the importation of slaves of every description into the United States.

xviii. That the state legislatures have power to recall, when they think it expedient, their federal senators, and to send others in their stead.

xix. That Congress have power to establish a uniform rule of inhabitancy or settlement of the poor of the different states throughout the United States.

xx. That Congress erect no company with exclusive advantages of commerce.

xxi. That when two members shall move or call for the ayes and nays on any question, they shall be entered on the journals of the houses respectively.

Done in convention, at Newport, in the county of Newport, in the state of Rhode Island and Providence Plantations, the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and ninety, and the fourteenth year of the independence of the United States of America.

By order of the convention.

(Signed) DANIEL OWEN, President.

Attest. DANIEL UPDIKE. Sec'ry.

On the 9th of February, 1791, the following acts of the state of Vermont relating to the constitution were communicated to Congress.

#### STATE OF VERMONT.

An Act to authorize the People of this State to meet in Convention to deliberate upon and agree to the Constitution of the United States.

WHEREAS, in the opinion of this legislature, the future interest and welfare of this state, render it necessary that the constitution of the United States of America, as agreed to by the convention at Philadelphia, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, with the several amendments and alterations, as the same has been since established by the United States, should be laid before the people of this state for their approbation.

It is hereby enacted by the general assembly of the state of Vermont, That the first constable in each town shall warn the inhabitants who by law are entitled to vote for representatives in general assembly, in the same manner as they warn freemen's meetings, to meet in their respective towns on the first Tuesday of December next, at ten o'clock forenoon, at the several places fixed by law for holding the annual election, and when so met they shall proceed in the same manner as in the election of representatives, to choose some suitable person from each town to serve as a delegate in a state convention, for the purpose of deliberating upon and agreeing to the constitution of the United States as now established; and the said consta-

ble shall certify to the said convention the person so chosen in manner aforesaid. And,

It is hereby further enacted by the authority aforesaid, That the persons so elected to serve in state convention as aforesaid, do assemble and meet together on the first Thursday of January next, at Bennington, in the county of Bennington, then and there to deliberate upon the aforesaid constitution of the United States, and if approved of by them, finally to assent to, and ratify the same in behalf and on the part of the people of this state, and make report thereof to the governour of this state, for the time being, to be by him communicated to the president of the United States, and the legislature of this state.

#### STATE OF VERMONT.

Secretary's Office, Bennington, Jan. 21, 1791.

The preceding is a true copy of an act passed by the legislature of the state of Vermont, the twenty-seventh day of October, in the year of our Lord one thousand seven hundred and ninety.

Attest.

ROSWELL HOPKINS,

Secretary of State.

In Convention of the Delegates of the People of the State of Vermont.

WHEREAS by an act of the commissioners of the state of New York, done at New York, the seventeenth day of October, in the fifteenth year of the independence of the United States of America, one thousand seven hundred and ninety, every impediment, as well on the part of the state of New York, as on the part of



the state of Vermont, to the admission of the state of Vermont into the union of the United States of America, is removed. In full faith and assurance that the same will stand approved and ratified by Congress.

This convention having impartially deliberated upon the constitution of the United States of America, as now established, submitted to us by an act of the general assembly of the state of Vermont, passed October twenty-seventh, one thousand seven hundred and ninety, do, in virtue of the power and authority to us given for that purpose, fully and entirely approve of, assent to and ratify the said constitution; and declare, that immediately from and after this state shall be admitted by the Congress into the union, and to a full participation of the benefits of the government now enjoyed by the states in the union, the same shall be binding on us, and the people of the state of Vermont for ever.

Done at Bennington, in the county of Bennington, the tenth day of January, in the fifteenth year of the independence of the United States of America, one thousand seven hundred and ninety-one. In testimony whereof we have hereunto subscribed our names.

(Signed)

THOMAS CHITTENDEN,  
President.

Signed by one hundred and five members—Dissented four.

Attest. ROSWELL HOPKINS, Sec'y of Convention.

At the first session of the first Congress under the constitution, the following resolution was adopted.

CONGRESS OF THE UNITED STATES ;

Begun and held at the City of New York, on Wednesday, the 4th of March, 1789.

THE conventions of a number of the states, having at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added. And as extending the ground of publick confidence in the government will best insure the beneficent ends of its institution :

Resolved, by the senate and house of representatives of the United States of America in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, namely,

ARTICLES in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

ART. 1. After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the propor-

tion shall be so regulated by Congress, that there shall not be less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand.

ART. II. No law varying the compensation for services of the senators and representatives shall take effect, until an election of representatives shall have intervened.

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. V. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner prescribed by law.

ART. VI. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. VII. No person shall be held to answer for a

capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or publick danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for publick use without just compensation.

ART. VIII. In all criminal prosecutions, the accused shall enjoy the right of a speedy and publick trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. XI. The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.



**ART. XII.** The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**FREDERICK AUGUSTUS MUHLENBERG.**

Speaker of the House of Representatives.

**JOHN ADAMS,** Vice President of the United States, and President of the Senate.

Attest. **JOHN BECKLEY,** Clerk of the House of Representatives.

**SAMUEL A. OTIS,** Sec'y of the Senate.

WHICH being transmitted to the several state legislatures, were decided upon by them, according to the following returns.

**STATE OF NEW HAMPSHIRE.**

In the House of Representatives, Jan. 25, 1790.

Upon reading and maturely considering the proposed amendments to the federal constitution,

Voted, To accept the whole of said amendments, except the second article, which was rejected.

Sent up for concurrence.

(Signed) **THOMAS BARTLETT,** Speaker.

In Senate, the same day, read and concurred.

(Signed) **J. PEARSON,** Secretary.

A true copy. Attest. **JOSEPH PEARSON,** Sec'y.

## BY THE STATE OF NEW YORK.

The People of the State of New York, by the Grace of God, free and independent.

To all to whom these Presents shall come or may concern, Greeting.

KNOW YE, That we having inspected the records remaining in our secretary's office, do find there a certain act of our legislature, in the words following :

An Act ratifying certain Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by the Congress.

WHEREAS by the fifth article of the constitution of the United States of America, it is provided, that the Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the said constitution, which shall be valid to all intents and purposes as part of the said constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.

And whereas in the session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by the senate and house of representatives of the United States of America, in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States; all or any of which articles; when ratified by

three-fourths of the said legislatures, to be valid to all intents and purposes as a part of the said constitution, namely,

[Here follow the articles.]

And whereas the legislature of this state have considered the said articles, and do agree to the same, except the second article. Therefore,

Be it enacted by the people of the state of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That the said articles, except the second, shall be and are hereby ratified by the legislature of this state.

State of New York, in Assembly, February 22, 1790.

This bill having been read the third time—Resolved, That the bill do pass.

By order of the Assembly.

GULIAN VERPLANCK, Speaker.

State of New York, in Senate, February 24, 1790.

This bill having been read a third time—Resolved, That the bill do pass.

By order of the Senate.

ISAAC ROOSEVELT,

President pro hac vice.

Council of Revision, February 27, 1790.

Resolved, That it does not appear improper to the council, that this bill, entitled, “ An act ratifying certain articles in addition to, and amendment of the

“ constitution of the United States of America, proposed by the Congress,” should become a law of this state.

GEORGE CLINTON.

ALL which we have caused to be exemplified by these presents. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said state to be hereunto affixed. Witness our trusty and well beloved George Clinton, Esq. governor of our said state, general and commander in chief of all the militia, and admiral of the navy of the same, at our city of New York, the twenty-seventh day of March, in the year one thousand seven hundred and ninety, and in the fourteenth year of our independence.

(Signed)

GEORGE CLINTON.

(Seal ap-  
pendant.)

Passed the Secretary's Office, the 27th March, 1790.

(Signed)

LEWIS A. SCOTT, Secretary.

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BY THE STATE OF PENNSYLVANIA.

An Act declaring the Assent of this State to certain Amendments to the Constitution of the United States.

SECT. 1. WHEREAS in pursuance of the fifth article of the constitution of the United States, certain articles of amendment to the said constitution, have been proposed by the Congress of the United States, for the consideration of the legislatures of the several states :



And whereas this house, being the legislature of the state of Pennsylvania, having maturely deliberated thereupon, have resolved to adopt and ratify the articles hereafter enumerated, as part of the constitution of the United States.

SECT. 2. Be it enacted therefore, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That the following amendments to the constitution of the United States, proposed by the Congress thereof, namely,

[Here follow the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth articles, which were proposed by Congress to the legislatures of the several states, as amendments to the constitution of the United States.]

Be, and they are hereby ratified on behalf of this state, to become, when ratified by the legislatures of three-fourths of the several states, part of the constitution of the United States.

Signed by order of the House.

RICHARD PETERS, Speaker of the  
General Assembly.

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BY THE STATE OF DELAWARE.

“ THE general assembly of Delaware having taken  
“ into their consideration the above amendments pro-  
“ posed by Congress, to the respective legislatures of  
“ the several states :

“ Resolved, That the first article be postponed.

“ Resolved, That the general assembly do agree to  
“ the second, third, fourth, fifth, sixth, seventh, eighth,  
“ ninth, tenth, eleventh and twelfth articles ; and we  
“ do hereby assent to, ratify and confirm the same, as  
“ part of the constitution of the United States.”

“ In testimony whereof, we have caused the great  
“ seal of the state to be hereunto affixed, this twenty-  
“ eighth day of January, in the year of our Lord one  
“ thousand seven hundred and ninety, and in the four-  
“ teenth year of the independence of the Delaware  
“ state.

“ Signed by order of Council.

“ GEORGE MITCHELL, Speaker.

“ Signed by order of the House of Assembly.

“ JEHU DAVIS, Speaker.”



BY THE STATE OF MARYLAND.

An Act to ratify certain Articles in addition to, and  
amendment of, the Constitution of the United States  
of America, proposed by Congress to the Legislatures  
of the several States.

WHEREAS it is provided by the fifth article of the  
constitution of the United States of America, that Con-  
gress, whenever two thirds of both houses shall deem it  
necessary, shall propose amendments to the said con-  
stitution; or on the application of the legislatures of  
two-thirds of the several states shall call a convention  
for proposing amendments; which in either case shall  
be valid to all intents and purposes as part of the said  
constitution, when ratified by the legislatures of three-

fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

And whereas at a session of the Congress of the United States, begun and held at the city of New York, on Wednesday the fourth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, it was resolved by the senate and house of representatives of the said United States in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, namely,

[Here follow the articles.]

Be it enacted by the general assembly of Maryland, That the aforesaid articles and each of them be, and they are hereby confirmed and ratified.

By the House of Delegates, Dec. 17, 1789.

Read and assented to.

By order.

(Signed)

W. HARWOOD, Clerk.

By the Senate, December 19, 1789.

Read and assented to.

By order.

H. RIDGELY, Clerk.

(Signed)

J. E. HOWARD.

(Seal ap-  
pendant.)

## BY THE STATE OF SOUTH CAROLINA.

In the House of Representatives, Jan. 18, 1790.

The house took into consideration the report of the committee, to whom was referred the resolution of the Congress of the United States of the fourth day of March, one thousand seven hundred and eighty nine, proposing amendments to the constitution of the United States, namely,

[Here follow the resolution of Congress and amendments.]

Which being read through, was agreed to :—Whereupon,

Resolved, That this house do adopt the said several articles and that they become a part of the constitution of the United States.

Resolved, That the resolutions be sent to the senate for their concurrence.

By order of the House.

JACOB READ, Speaker of the  
House of Representatives.

In Senate, January 19, 1790.

Resolved, That this house do concur with the house of representatives in the foregoing resolutions.

By order of the Senate.

D. DE SAUSSURE,  
President of the Senate.



## BY THE STATE OF NORTH CAROLINA.

An Act to ratify the Amendments to the Constitution of  
the United States.

WHEREAS the senate and house of representatives of the United States of America in Congress assembled, on the fourth day of March, did resolve, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes as part of the said constitution.

[Here follow the several articles of amendments, verbatim, as proposed by Congress to the legislatures of the several states.]

Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said amendments agreeable to the fifth article of the original constitution, be held and ratified on the part of this state, as articles in addition to, and amendment of the constitution of the United States of America.

(Signed)

CHAS. JOHNSON, S. S.

S. CABARRUS, C. H. C.

Read three times and ratified in general assembly.  
this 22d day of December, Anno Domini 1789.

BY THE STATE OF RHODE ISLAND AND PROVIDENCE  
PLANTATIONS.

In General Assembly, June Session, A. D. 1790.

An Act for ratifying certain Articles as Amendments to the Constitution of the United States of America, and which were proposed by the Congress of the said States, at their Session in March, A. D. 1789, to the Legislatures of the several States, pursuant to the fifth Article of the aforesaid Constitution.

BE it enacted by the general assembly, and by the authority thereof it is hereby enacted, That the following articles, proposed by the Congress of the United States of America, at their session in March, A. D. 1789, to the legislatures of the several states for ratification, as amendments to the constitution of the United States, pursuant to the fifth article of the said constitution, be, and the same are hereby fully assented to, and ratified on the part of this state, to wit :

[Here follow the articles.]

It is ordered, That his excellency the governour be, and he is hereby requested, to transmit to the president of the said United States, under the seal of this state, a copy of this act, to be communicated to the senate and house of representatives of the Congress of the said United States.

A true copy duly examined.

Witness. HENRY WARD, Secretary.

## BY THE STATE OF NEW JERSEY.

An Act to ratify on the part of this State certain Amendments to the Constitution of the United States.

WHEREAS the Congress of the United States, begun and held at the city of New York, on Wednesday the fourth day of March, one thousand seven hundred and eighty-nine, resolved, two-thirds of both houses concurring, That sundry articles be proposed to the legislatures of the several states as amendments to the constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes as part of the said constitution.

And whereas the president of the United States did, in pursuance of a resolve of the senate and house of representatives of the United States of America, in Congress assembled, transmit to the governour of this state the amendments proposed by Congress, which were by him laid before the legislature for their consideration. Wherefore,

1. Be it enacted by the council and general assembly of this state, and it is hereby enacted by the authority of the same, That the following articles proposed by Congress, in addition to, and amendment of the constitution of the United States, to wit :

[Here follow, verbatim, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the said amendments, proposed by Congress to the legislatures of the several states.]

Be, and the same are hereby ratified and adopted by the state of New Jersey.

House of Assembly, Nov. 19, 1789.

This bill having been three times read in this house.

Resolved, That the same do pass.

By order of the House.

JOHN BEATTY, Speaker.

Council Chamber, Nov. 20, 1789.

This bill having been three times read in council,

Resolved, That the same do pass.

By order of the House.

WILLIAM LIVINGSTON, President.



#### BY THE STATE OF VIRGINIA.

“ In the House of Delegates, Tuesday, Oct. 25, 1791.

“ Resolved, That the first article of the amendments  
“ proposed by Congress to the constitution of the  
“ United States, be ratified by this commonwealth.

(Teste.)

CHARLES HAY, C. H. D.

“ November 3, 1791.

“ Agreed to by the Senate.

“ H. BROOKE, C. S.”

“ General Assembly begun and held at the capitol, in  
“ the city of Richmond, on Monday the 17th day  
“ of October, in the year of our Lord 1791.

“ Monday, December 5, 1791.

“ Resolved, That the second, third, fourth, fifth,  
“ sixth, seventh, eighth, ninth, tenth, eleventh, and  
“ twelfth articles of the amendments proposed by Con-



“ gress to the constitution of the United States, be  
“ ratified by this commonwealth.

“ Dec. 15, 1791. JOHN PRIDE, S. S.”

“ Agreed to by the Senate. T. MATTHEWS, S.H.D.”

“ Examined.”

No returns were made by the states of Massachusetts, Connecticut, Georgia and Kentucky.

The amendments thus proposed became a part of the constitution—the first and second of them excepted ; which were not ratified by a sufficient number of the state legislatures.

At the first session of the third Congress the following amendment was proposed to the state legislatures.

#### UNITED STATES IN CONGRESS ASSEMBLED.

RESOLVED by the senate and house of representatives of the United States of America, in Congress assembled, two-thirds of both houses concurring, That the following article be proposed to the legislatures of the several states, as an amendment to the constitution of the United States ; which, when ratified by three-fourths of the said legislatures, shall be valid as part of the said constitution, namely,

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

FREDERICK AUGUSTUS MUHLENBERG,  
Speaker of the House of Representatives.

JOHN ADAMS, Vice President of the United  
States, and President of the Senate.

Attest, J. BECKLEY, Clk. of the House Representatives.

SAM. A. OTIS, Secretary of the Senate.

FROM the journals of the house of representatives, at the second session of the third Congress, it appears that returns from the state legislatures, ratifying this amendment, were received as follows :

From New York, Massachusetts, Vermont, New Hampshire, Georgia and Delaware.

At the first session of the fourth Congress, further returns ratifying the same amendment, were received from Rhode Island and North Carolina.

At the second session of the fourth Congress, on the 2d of March, 1797, the following resolution was adopted :

#### UNITED STATES IN CONGRESS ASSEMBLED.

RESOLVED by the senate and house of representatives of the United States of America, in Congress assembled, That the president be requested to adopt some speedy and effectual means of obtaining information from the states of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee and South Carolina, whether they have ratified the amendment proposed by Congress to the constitution concerning the suability of states ; if they have, to obtain the proper evidences thereof.

JONATHAN DAYTON, Speaker of the  
House of Representatives.

WILLIAM BINGHAM, President pro tem-  
pore of the Senate.

Approved, March 2, 1797.

GEORGE WASHINGTON, President of  
the United States.

AT the second session of the fifth Congress, the following messages from the president of the United States, were transmitted to both houses.

## MESSAGE.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

IN compliance with the desire of the two houses of Congress, expressed in their resolution of the second day of March, one thousand seven hundred and ninety-seven, that some speedy and effectual means might be adopted of obtaining information from the states of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the constitution, concerning the suability of states, and if they have, to obtain the proper evidences; measures have been taken, and information and evidences obtained, the particulars of which will appear in the report, from the secretary of state, made by my direction on the twenty-eighth day of this month, and now presented to the two houses for their consideration.

JOHN ADAMS.

United States, December 30, 1797.

FROM this report of the secretary of state it appeared that the states of Connecticut, Maryland and Virginia had ratified the amendment—that New Jersey and Pennsylvania had not ratified it—South Carolina had not definitively acted upon it. No answers had been received from Kentucky and Tennessee.

## MESSAGE.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

I HAVE now an opportunity of transmitting to Congress, a report of the secretary of state, with a copy of an act of the legislature of the state of Kentucky, consenting to the ratification of the amendment of the constitution of the United States proposed by Congress, in their resolution of the second day of December, 1793, relative to the suability of states. This amendment, having been adopted by three-fourths of the several states, may now be declared to be a part of the constitution of the United States.

JOHN ADAMS.

United States, January 8, 1798.

At the first session of the eighth Congress, the following amendment was proposed by Congress, to the state legislatures.

## EIGHTH CONGRESS OF THE UNITED STATES.

At the first session, begun and held at the city of Washington, in the territory of Columbia, on Monday, the seventeenth of October, one thousand eight hundred and three.

RESOLVED by the senate and house of representatives of the United States of America, in Congress assembled, two thirds of both houses concurring, That in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when rati-



fied by three-fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, to wit :

The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate ; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted ; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March

next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president ; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president shall be eligible to that of vice president of the United States.

Attest.

JOHN BECKLEY, Clerk to the House of Representatives of the United States.

SAM. A. OTIS, Secretary to the Senate of the United States.

At the same session, an act passed, of which the following is the first section.

An act supplementary to the act, entitled " An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."

BE it enacted, by the senate and house of representatives of the United States of America, in Congress assembled, That whenever the amendment pro-

posed during the present session of Congress, to the constitution of the United States, respecting the manner of voting for president and vice president of the United States, shall have been ratified by the legislatures of three-fourths of the several states, the secretary of state shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published, in at least one of the newspapers printed in each state, in which the laws of the United States are annually published.—The executive authority of each state shall cause a transcript of the said notification to be delivered to the electors appointed for that purpose, who shall first thereafter meet in such state, for the election of a president and vice president of the United States: and whenever the said electors shall have received the said transcript of notification, or whenever they shall meet more than five days subsequent to the publication of the ratification of the above mentioned amendment, in one of the newspapers of the state, by the secretary of state, they shall vote for president and vice president of the United States, respectively, in the manner directed by the above mentioned amendment; and having made and signed three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one, of the votes given for president, and the other, of the votes given for vice president, they shall seal up the said certificates, certifying on each, that lists of all the votes of such state given for president, and of all the votes given for vice president, is contained therein, and shall cause the said certificates to be transmitted and disposed of, and in every other respect act in conformity



with the provisions of the act to which this is a supplement. And every other provision of the act to which this is a supplement, and which is not virtually repealed by this act, shall extend and apply to every election of a president and vice president of the United States, made in conformity to the above mentioned amendment to the constitution of the United States.

AND on the 25th of September, 1804, the following notice, in pursuance of the above provision, was issued from the department of state.

BY JAMES MADISON, SECRETARY OF STATE OF  
THE UNITED STATES.

PUBLICK notice is hereby given, in pursuance of the act of Congress passed on the 26th March last, entitled "An act supplementary to the act entitled "An act relative to the election of a president and vice president of the United States, and declaring the officer who shall act as president, in case of vacancies in the offices both of president and vice president"—That the amendment proposed, during the last session of Congress, to the constitution of the United States, respecting the manner of voting for president and vice president of the United States, has been ratified by the legislatures of three-fourths of the several states, to wit: by those of Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, and Georgia, and has thereby become valid as part of the constitution of the United States.

Given under my hand, at the city of Washington,  
this twenty-fifth day of September, 1804.

(Signed)

JAMES MADISON.



## THE CONSTITUTION OF THE UNITED STATES,

WITH ALL THE RATIFIED AMENDMENTS, AS AT PRESENT EXISTING.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I.

Sect. 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Sect. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole

number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Sect. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at

the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sect. 4. The times, places, and manner of holding

elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sect. 5. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sect. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the



United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same ; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Sect. 7. All bills for raising revenue shall originate in the house of representatives ; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve he shall sign it ; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on

the journal of each house respectively. If any bill shall not be returned by the president within ten days, (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Sect. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises :

To pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises, shall be uniform throughout the United States :

To borrow money on the credit of the United States :

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes :

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States :

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

To provide for the punishment of counterfeiting the securities and current coin of the United States :

To establish post offices and post roads :

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries :

To constitute tribunals inferior to the supreme court :

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions :

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States—reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of

the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings :—and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sect. 9. The migration or importation of such persons as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the publick safety may require it.

No bill of attainder, or ex post facto law, shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another ; nor shall vessels bound to, or from one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law : and a regular statement and account of the receipts and expenditures of all publick money shall be published from time to time.



No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Sect. 10. No state shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

Sect. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, toge-

ther with the Vice President, chosen for the same term, be elected as follows :

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president ; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall

be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States.”

Sect. 2. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur : and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other publick ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

Sect. 3. He shall, from time to time, give to the Con-



gress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other publick ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Sect. 4. The president, vice president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

#### ARTICLE III.

Sect. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Sect. 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other publick ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United

States shall be a party ; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other publick ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Sect. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### ARTICLE IV.

Sect. 1. Full faith and credit shall be given in each

state to the publick acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Sect. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up, on claim of the party to whom such service or labour may be due.

Sect. 3. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Sect. 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

#### ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all



treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or publick trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the 17th day of September, in the year of our Lord 1787, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, President,  
And deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,  
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,  
Rufus King.

## CONNECTICUT.

Richard Bassett,  
 William Samuel Johnson, Jacob Broom.  
 Roger Sherman.

## MARYLAND.

## NEW YORK.

James M<sup>c</sup>Henry,  
 Alexander Hamilton. Daniel of St. Thomas

## NEW JERSEY.

Jenifer,  
 William Livingston, Daniel Carroll.

## VIRGINIA.

John Blair,  
 David Brearly, James Madison, jun.  
 William Patterson,  
 Jonathan Dayton.

## PENNSYLVANIA.

## NORTH CAROLINA.

William Blount,  
 Benjamin Franklin, Richard Dobbs Spaight.  
 Thomas Mifflin, Hugh Williamson.  
 Robert Morris,

## SOUTH CAROLINA.

John Rutledge,  
 George Clymer, Charles Cotesworth  
 Thomas Fitzsimons, Pinckney,  
 Jared Ingersoll, Charles Pinckney,  
 James Wilson, Pierce Butler.  
 Gouverneur Morris.

## DELAWARE.

## GEORGIA.

William Few,  
 George Read, Abraham Baldwin.  
 Gunning Bedford, jun.  
 John Dickinson,

Attest.

WILLIAM JACKSON, Secretary.

## AMENDMENTS TO THE CONSTITUTION.

## ARTICLE I.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or

indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or publick danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for publick use without just compensation.

#### ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and publick trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

#### ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines, imposed, nor cruel and unusual punishments inflicted.



## ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

## ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

## ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall

then be counted : the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president : a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

















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